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U.S. GOVERNMENT
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FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Pages 76227–76864

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 780, 784, 816, and 817

RIN 1029–AC69

[Docket ID: OSM–2012–0010; S1D1S SS08011000 SX066A00067F 134S180110; S2D2S SS08011000 SX066A00 33F 13XS501520]

Excess Spoil, Coal Mine Waste, Diversions, and Buffer Zones for Perennial and Intermittent Streams

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE or OSM), are amending our regulations concerning stream buffer zones, stream-channel diversions, excess spoil, and coal mine waste to comply with an order issued by the U.S. District Court for the District of Columbia on February 20, 2014, which vacated the stream buffer zone rule that we published December 12, 2008. The court remanded the matter to us for further proceedings consistent with the decision. In relevant part, the Memorandum Decision stated that vacatur of the 2008 stream buffer zone rule resulted in reinstatement of the regulations in effect before the vacated rule took effect. Therefore, the rule that we are publishing today removes the provisions of the vacated 2008 rule and reinstates the corresponding regulations in effect before the effective date of the 2008 rule (January 12, 2009).

DATES: This regulation is effective December 22, 2014. The incorporation by reference of the publication listed in 30 CFR 780.25(a)(2) and 784.16(a)(2) was approved by the Director of the Federal Register on December 22, 2014.

FOR FURTHER INFORMATION CONTACT: John Trelease, Division of Regulatory Support, (202) 208–2783, or via email at *jtrelease@osmre.gov.*

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II. Why are we publishing this rule as a direct final rule that takes effect immediately?

I. Why are we publishing this rule?

On December 12, 2008, we published a final rule that amended our regulations concerning stream buffer zones, stream-channel diversions, siltation structures, impoundments, excess spoil, and coal mine waste. See 73 FR 75814–75885. This rule is known as the 2008 stream buffer zone (SBZ) rule or the 2008 rule. Among other changes, the 2008 rule revised our former regulations at 30 CFR 816.57 and 817.57, related to the mining activities allowed to occur through perennial or intermittent streams, as well as on the surface of land within 100 feet of a perennial or intermittent stream. Prior to the 2008 rule, these two provisions had previously been amended on June 30, 1983 (48 FR 30312–30329). The 2008 rule also added requirements at 30 CFR 780.35 and 784.19 that surface coal mining operations be designed to minimize the creation of excess spoil and the adverse environmental impacts of fills constructed to dispose of excess spoil and coal mine waste.

A total of ten organizations challenged the validity of the 2008 SBZ rule in two complaints originally filed on December 22, 2008, and January 16, 2009: *Coal River Mountain Watch, et al.* v. *Salazar,* No. 08–2212 (D.D.C.) and *National Parks Conservation Ass'n* v. *Salazar,* No. 09–115 (D.D.C.). The references to former Secretary of the Interior Ken Salazar in these case titles were subsequently replaced by references to his successor, Sally Jewell.

On February 20, 2014, the court vacated the 2008 rule because ''OSM's determination that the revisions to the stream protection rule encompassed by the 2008 Rule would have no effect on threatened and endangered species or critical habitat was not a rational conclusion'' and that, therefore, OSM's failure to initiate consultation on the 2008 rule was a violation of section 7(a)(2) of the Endangered Species Act. *National Parks Conservation Ass'n (NPCA)* v. *Jewell,* 2014 U.S. Dist. LEXIS 152383 at *21 (D.D.C. Feb. 20, 2014). The court remanded the vacated rule to us for further proceedings consistent with the decision. *Id.* at *35. The court's decision also stated that vacatur of the 2008 rule would result in the reinstatement of the rule that was in effect before the vacated rule took effect. *Id.* at *31. We posted the court's decision on our Web site to notify the public of the ruling shortly after the order was released. The decision has not been appealed.

Therefore, consistent with the Memorandum Decision and Order of the court, the rule that we are publishing today reinstates the corresponding provisions of the regulations that were in effect before the effective date of the 2008 rule (January 12, 2009), including the 1983 version of the stream buffer zone rule. In addition, the rule that we are reinstating today updates 30 CFR 780.25(a)(2) and 784.16(a)(2) to include our current physical address and a Web site for accessing a document [the Soil Conservation Service's Technical Release No. 60 (210–VI–TR60, Oct. 1985), entitled ''Earth Dams and Reservoirs''] that is incorporated by reference. The rule also reinstates 30 CFR 780.25(a)(3), which was erroneously removed as part of the codification of the 2008 rule.

We are reinstating 30 CFR 817.46(b)(3) as it existed prior to adoption of the 2008 rule, which redesignated it as paragraph (b)(2). Redesignated paragraph (b)(2) was erroneously removed during codification of a subsequent technical rulemaking in 2010 (75 FR 60272, Sept. 29, 2010).

Finally, as noted above, as a result of the court's decision in *NPCA* v. *Jewell,* the vacatur of the 2008 rule resulted in the reinstatement of the rule that was in effect before the vacated rule took effect. This reinstatement includes 30 CFR 816.46(b)(2) and 817.46(b)(2), which were removed by the 2008 rule. However, prior to the publication of the 2008 rule, these paragraphs were suspended effective December 22, 1986, because those paragraphs were struck down upon judicial review. *See In re: Permanent Surface Mining Regulation Litigation II, Round III,* 620 F. Supp. 1519, 1566–1568 (D.D.C. July 15, 1985) and 51 FR 41961 (Nov. 20, 1986). In this final rule, we are adding a sentence to the end of paragraph (b)(2) in both 30

CFR 816.46 and 817.46 acknowledging the suspension.

II. Why are we publishing this rule as a direct final rule that takes effect immediately?

We are publishing this rule as a direct final rule without prior notice and opportunity for public comment because this rule is necessary to reflect the court order vacating the 2008 rule, which resulted in reinstatement of the regulations in effect before the effective date of the 2008 rule. See *NPCA* v. *Jewell,* 2014 U.S. Dist. LEXIS 152383 at *31 (D.D.C. Feb. 20, 2014). The court's order was issued on February 20, 2014.

Section 553 of the Administrative Procedure Act requires that agencies provide notice and opportunity for comment on all rules, except ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public comment are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). In this case, we have determined that notice and opportunity for public comment are unnecessary because, in *NPCA* v. *Jewell,* the court has already vacated the 2008 rule and stated what rules replaced the vacated provisions. In this rulemaking, we are merely making changes to the CFR text to conform to the court's order and are not exercising any discretionary authority. Therefore, public comment would not be useful in determining the content of this final rule.

Section 553(d) of the Administrative Procedure Act also provides that agencies must publish a final rule ''not less than 30 days before its effective date, except . . . as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d). For the reasons just discussed, we have determined we have good cause for waiver of the 30-day delay in the effective date of the rule after publication.

List of Subjects

30 CFR Part 780

Incorporation by reference, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 784

Incorporation by reference, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 816

Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Environmental protection, Reporting and recordkeeping requirements, Underground mining.

Dated: December 13, 2014.

Janice M. Schneider,

Assistant Secretary—Land and Minerals Management.

Accordingly, the Department is amending 30 CFR parts 780, 784, 816 and 817 as set forth below.

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENT FOR RECLAMATION AND OPERATION PLAN

■ 1. The authority citation for part 780 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* and 16 U.S.C. 470 *et seq.*

■ 2. The part heading is revised to read as set forth above.

■ 3. Section 780.10 is revised to read as follows:

§ 780.10 Information collection.

(a) The collections of information contained in Part 780 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029–0036. The information will be used by the regulatory authority to determine whether the applicant can comply with the applicable performance and environmental standards in Public Law 95–87. Response is required to obtain a benefit.

(b) Public Reporting burden for this information is estimated to average 28 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project 1029–0036, Washington, DC 20503.

■ 4. Amend § 780.14 by revising paragraphs (b)(11) and (c) to read as follows:

§ 780.14 Operation plan: Maps and plans.

* * * * *

(b) * * *

(11) Location of each sedimentation pond, permanent water impoundment, coal processing waste bank, and coal processing waste dam and embankment, in accordance with 30 CFR 780.25, and fill area for the disposal of excess spoil in accordance 30 CFR 780.35.

(c) Except as provided in §§ 780.25(a)(2), 780.25(a)(3), 780.35(a), 816.71(b), 816.73(c), 816.74(c) and 816.81(c) of this chapter, cross sections, maps and plans required under paragraphs (b)(4), (5), (6), (10) and (11) of this section shall be prepared by, or under the direction of, and certified by a qualified registered professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such cross sections, maps and plans, a qualified, registered, professional, land surveyor, with assistance from experts in related fields such as landscape architecture.

■ 5. Amend § 780.25 as follows:

■ a. Revise the section heading, paragraph (a) introductory text, paragraph (a)(1) introductory text, and paragraph (a)(2);

■ b. Add paragraph (a)(3);

■ c. Revise paragraph (c)(2) and remove paragraph (c)(4);

■ d. Revise paragraph (d); and

■ e. Add paragraphs (e) and (f).

The revisions and additions read as follows:

§ 780.25 Reclamation plan: Siltation structures, impoundments, banks, dams, and embankments.

(a) *General.* Each application shall include a general plan and a detailed design plan for each proposed siltation structure, water impoundment, and coal processing waste bank, dam, or embankment within the proposed permit area.

(1) Each general plan shall—

* * * * *

(2) Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210–VI–TR60, Oct. 1985), ''Earth Dams and Reservoirs,'' Technical Release No. 60 (TR–60) shall comply with the requirements of this section for structures that meet or exceed the size of other criteria of the Mine Safety and Health Administration (MSHA). The technical release is hereby incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. TR–60 may be viewed and downloaded from OSM's Web site at *http://www.osmre.gov/programs/TDT/damsafety.shtm.* It also is available for inspection at the OSM Headquarters Office, Office of Surface Mining

Reclamation and Enforcement, Administrative Record, Room 252, 1951 Constitution Ave. NW., Washington, DC or 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/code_of_federal_regulations/ibr_locations.html.* Each detailed design plan for a structure that meets or exceeds the size or other criteria of MSHA, § 77.216(a) of this chapter shall:

(i) Be prepared by, or under the direction of, and certified by a qualified registered professional engineer with assistance from experts in related fields such as geology, land surveying, and landscape architecture;

(ii) Include any geotechnical investigation, design, and construction requirements for the structure;

(iii) Describe the operation and maintenance requirements for each structure; and

(iv) Describe the timetable and plans to remove each structure, if appropriate.

(3) Each detailed design plan for structures not included in paragraph (a)(2) of this section shall:

(i) Be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional land surveyor, except that all coal processing waste dams and embankments covered by §§ 816.81–816.84 of this chapter shall be certified by a qualified, registered, professional engineer;

(ii) Include any design and construction requirements for the structure, including any required geotechnical information;

(iii) Describe the operation and maintenance requirements for each structure; and

(iv) Describe the timetable and plans to remove each structure, if appropriate.

* * * * *

(c) * * *

(2) Each plan for an impoundment meeting the size or other criteria of the Mine Safety and Health Administration shall comply with the requirements of §§ 77.216–1 and 77.216–2 of this title. The plan required to be submitted to the District Manager of MSHA under § 77.216 of this title shall be submitted to the regulatory authority as part of the permit application in accordance with paragraph (a) of this section.

* * * * *

(d) *Coal processing waste banks.* Coal processing waste banks shall be designed to comply with the requirements of 30 CFR 816.81–816.84.

(e) *Coal processing waste dams and embankments.* Coal processing waste dams and embankments shall be designed to comply with the requirements of 30 CFR 816.81–816.84. Each plan shall comply with the requirements of the Mine Safety and Health Administration, 30 CFR 77.216–1 and 77.216–2, and shall contain the results of a geotechnical investigation of the proposed dam or embankment foundation area, to determine the structural competence of the foundation which will support the proposed dam or embankment structure and the impounded material. The geotechnical investigation shall be planned and supervised by an engineer or engineering geologist, according to the following:

(1) The number, location, and depth of borings and test pits shall be determined using current prudent engineering practice for the size of the dam or embankment, quantity of material to be impounded, and subsurface conditions.

(2) The character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions which may affect the particular dam, embankment, or reservoir site shall be considered.

(3) All springs, seepage, and ground water flow observed or anticipated during wet periods in the area of the proposed dam or embankment shall be identified on each plan.

(4) Consideration shall be given to the possibility of mudflows, rock-debris falls, or other landslides into the dam, embankment, or impounded material.

(f) If the structure meets the Class B or C criteria for dams in TR–60 or meets the size or other criteria of § 77.216(a) of this chapter, each plan under paragraphs (b), (c), and (e) of this section shall include a stability analysis of the structure. The stability analysis shall include, but not be limited to, strength parameters, pore pressures, and long-term seepage conditions. The plan shall also contain a description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

§ 780.28 [Removed]

■ 6. Remove § 780.28.

■ 7. Revise § 780.35 to read as follows:

§ 780.35 Disposal of excess spoil.

(a) Each application shall contain descriptions, including appropriate maps and cross section drawings, of the proposed disposal site and design of the spoil disposal structures according to 30 CFR 816.71–816.74. These plans shall describe the geotechnical investigation, design, construction, operation, maintenance, and removal, if appropriate, of the site and structures.

(b) Except for the disposal of excess spoil on pre existing benches, each application shall contain the results of a geotechnical investigation of the proposed disposal site, including the following:

(1) The character of bedrock and any adverse geologic conditions in the disposal area,

(2) A survey identifying all springs, seepage, and ground water flow observed or anticipated during wet periods in the area of the disposal site;

(3) A survey of the potential effects of subsidence of the subsurface strata due to past and future mining operations;

(4) A technical description of the rock materials to be utilized in the construction of those disposal structures containing rock chimney cores or underlain by a rock drainage blanket; and

(5) A stability analysis including, but not limited to, strength parameters, pore pressures and long-term seepage conditions. These data shall be accompanied by a description of all engineering design assumptions and calculations and the alternatives considered in selecting the specific design specifications and methods.

(c) If, under 30 CFR 816.71(d), rock-toe buttresses or key-way cuts are required, the application shall include the following:

(1) The number, location, and depth of borings or test pits which shall be determined with respect to the size of the spoil disposal structure and subsurface conditions; and

(2) Engineering specifications utilized to design the rock-toe buttress or key-way cuts which shall be determined in accordance with paragraph (b)(5) of this section.

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS–MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

■ 8. The authority citation for part 784 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* and 16 U.S.C. 470 *et seq.*

■ 9. Section 784.10 is revised to read as follows:

§ 784.10 Information collection.

(a) The collections of information contained in Part 784 have been approved by Office of Management and

Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029–0039. The information will be used to meet the requirements of 30 U.S.C. 1211(b), 1251, 1257, 1258, 1266, and 1309a. The obligation to respond is required to obtain a benefit.

(b) Public reporting burden for this information is estimated to average 513 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

■ 10. Amend § 784.16 as follows:

■ a. Revise the section heading, paragraph (a) introductory text, paragraph (a)(1) introductory text, and paragraph (a)(2);

■ b. Revise paragraph (c)(2) and remove paragraph (c)(4);

■ c. Revise paragraph (d); and

■ d. Add paragraphs (e) and (f).

The revisions and additions read as follows:

§ 784.16 Reclamation plan: Siltation structures, impoundments, banks, dams, and embankments.

(a) *General.* Each application shall include a general plan and a detailed design plan for each proposed siltation structure, water impoundment, and coal processing waste bank, dam, or embankment within the proposed permit area.

(1) Each general plan shall—

* * * * *

(2) Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210–VI–TR60, Oct. 1985), ''Earth Dams and Reservoirs,'' Technical Release No. 60 (TR–60) shall comply with the requirements of this section for structures that meet or exceed the size or other criteria of the Mine Safety and Health Administration (MSHA). The technical release is hereby incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. TR–60 may be viewed or downloaded from OSM's Web site at *http://www.osmre.gov/programs/TDT/damsafety.shtm.* It also is available for inspection at the OSM Headquarters Office, Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252, 1951 Constitution Ave. NW., Washington, DC or 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/code_of_federal_regulations/ibr_locations.html.* Each detailed design plan for a structure that meets or exceeds the size or other criteria of MSHA, § 77.216(a) of this chapter shall:

(i) Be prepared by, or under the direction of, and certified by a qualified registered professional engineer with assistance from experts in related fields such as geology, land surveying, and landscape architecture;

(ii) Include any geotechnical investigation, design, and construction requirements for the structure;

(iii) Describe the operation and maintenance requirements for each structure; and

(iv) Describe the timetable and plans to remove each structure, if appropriate.

* * * * *

(c) * * *

(2) Each plan for an impoundment meeting the size of other criteria of the Mine Safety and Health Administration shall comply with the requirements of §§ 77.216–1 and 77.216–2 of this title. The plan required to be submitted to the District Manager of MSHA under § 77.216 of this title shall be submitted to the regulatory authority as part of the permit application in accordance with paragraph (a) of this section.

* * * * *

(d) *Coal processing waste banks.* Coal processing waste banks shall be designed to comply with the requirements of 30 CFR 817.81 through 817.84.

(e) *Coal processing waste dams and embankments.* Coal processing waste dams and embankments shall be designed to comply with the requirements of 30 CFR 817.81 through 817.84. Each plan shall comply with the requirements of the Mine Safety and Health Administration, 30 CFR 77.216–1 and 77.216–2, and shall contain the results of a geotechnical investigation of the proposed dam or embankment foundation area, to determine the structural competence of the foundation which will support the proposed dam or embankment structure and the impounded material. The geotechnical investigation shall be planned and supervised by an engineer or engineering geologist, according to the following:

(1) The number, location, and depth of borings and test pits shall be determined using current prudent engineering practice for the size of the dam or embankment, quantity of material to be impounded, and subsurface conditions.

(2) The character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions which may affect the particular dam, embankment, or reservoir site shall be considered.

(3) All springs, seepage, and ground water flow observed or anticipated during wet periods in the area of the proposed dam or embankment shall be identified on each plan.

(4) Consideration shall be given to the possibility of mudflows, rock-debris falls, or other landslides into the dam, embankment, or impounded material.

(f) If the structure meets the Class B or C criteria for dams in TR–60 or meets the size or other criteria of § 77.216(a) of this chapter, each plan under paragraphs (b), (c), and (e) of this section shall include a stability analysis of the structure. The stability analysis shall include, but not be limited to, strength parameters, pore pressures, and long-term seepage conditions. The plan shall also contain a description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

■ 11. Revise § 784.19 to read as follows:

§ 784.19 Underground development waste.

Each plan shall contain descriptions, including appropriate maps and cross section drawings of the proposed disposal methods and sites for placing underground development waste and excess spoil generated at surface areas affected by surface operations and facilities, according to 30 CFR 817.71 through 817.74. Each plan shall describe the geotechnical investigation, design, construction, operation, maintenance and removal, if appropriate, of the structures and be prepared according to 30 CFR 780.35.

■ 12. Amend § 784.23 by revising paragraphs (b)(10) and (c) to read as follows:

§ 784.23 Operation plan: Maps and plans.

* * * * *

(b) * * *

(10) Location of each sedimentation pond, permanent water impoundment, coal processing waste bank, and coal processing waste dam and embankment, in accordance with 30 CFR 784.16 and disposal areas for underground development waste and excess spoil, in accordance with 30 CFR 784.19;

* * * * *

(c) Except as provided in §§ 784.16(a)(2), 784.16(a)(3), 784.19, 817.71(b), 817.73(c), 817.74(c) and 817.81(c) of this chapter, cross sections, maps and plans required under paragraphs (b)(4), (5), (6), (10) and (11)

of this section shall be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such cross sections, maps and plans, a qualified, registered, professional, land surveyor, with assistance from experts in related fields such as landscape architecture.

§ 784.28 [Removed]

■ 13. Remove § 784.28.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

■ 14. The authority citation for part 816 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.;* and sec 115 of Pub. L. 98–146.

■ 15. Section 816.10 is revised to read as follows:

§ 816.10 Information collection.

(a) The collections of information contained in part 816 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029–0047. The information will be used by the regulatory authority to monitor and inspect surface coal mining activities to ensure that they are in compliance with the Surface Mining Control and Reclamation Act. Response is required to obtain a benefit.

(b) Public Reporting Burden for this information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1029–0047), Washington, DC 20503.

■ 16. In § 816.11, revise paragraph (e) to read as follows:

§ 816.11 Signs and markers.

* * * * *

(e) *Buffer zone markers.* Buffer zones shall be marked along their boundaries as required under § 816.57.

* * * * *

■ 17. Amend § 816.43 as follows:

■ a. Revise paragraph (a)(3);

■ b. Remove paragraph (a)(4) and redesignate paragraph (a)(5) as paragraph (a)(4);

■ c. Revise paragraphs (b)(1) and (b)(4); and

■ d. Remove paragraph (b)(5).

The revisions will read as follows:

§ 816.43 Diversions.

(a) * * *

(3) Temporary diversions shall be removed promptly when no longer needed to achieve the purpose for which they were authorized. The land disturbed by the removal process shall be restored in accordance with this part. Before diversions are removed, downstream water-treatment facilities previously protected by the diversion shall be modified or removed, as necessary, to prevent overtopping or failure of the facilities. This requirement shall not relieve the operator from maintaining water-treatment facilities as otherwise required. A permanent diversion or a stream channel reclaimed after the removal of a temporary diversion shall be designed and constructed so as to restore or approximate the premining characteristics of the original stream channel including the natural riparian vegetation to promote the recovery and the enhancement of the aquatic habitat.

* * * * *

(b) * * *

(1) Diversion of perennial and intermittent streams within the permit area may be approved by the regulatory authority after making the finding relating to stream buffer zones that the diversion will not adversely affect the water quantity and quality and related environmental resources of the stream.

* * * * *

(4) The design and construction of all stream channel diversions of perennial and intermittent streams shall be certified by a qualified registered professional engineer as meeting the performance standards of this part and any design criteria set by the regulatory authority.

* * * * *

■ 18. Amend § 816.46 by redesignating paragraphs (b)(2) through (b)(5) as paragraphs (b)(3) through (b)(6), respectively, and by adding a new paragraph (b)(2) to read as follows:

§ 816.46 Hydrologic balance: Siltation structures.

* * * * *

(b) * * *

(2) All surface drainage from the disturbed area shall be passed through a siltation structure before leaving the permit area, except as provided in paragraph (b)(5) or (e) of this section. The requirements of this paragraph are suspended effective December 22, 1986, per court order.

* * * * *

■ 19. Revise § 816.57 to read as follows:

§ 816.57 Hydrologic balance: Stream buffer zones.

(a) No land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by surface mining activities, unless the regulatory authority specifically authorizes surface mining activities closer to, or through, such a stream. The regulatory authority may authorize such activities only upon finding that—

(1) Surface mining activities will not cause or contribute to the violation of applicable State or Federal water quality standards, and will not adversely affect the water quantity and quality or other environmental resources of the stream; and

(2) If there will be a temporary or permanent stream-channel diversion, it will comply with § 816.43.

(b) The area not to be disturbed shall be designated as a buffer zone, and the operator shall mark it as specified in § 816.11.

■ 20. In § 816.71, revise paragraphs (a) through (d) to read as follows:

§ 816.71 Disposal of excess spoil: General requirements.

(a) *General.* Excess spoil shall be placed in designated disposal areas within the permit area, in a controlled manner to—

(1) Minimize the adverse effects of leachate and surface water runoff from the fill on surface and ground waters;

(2) Ensure mass stability and prevent mass movement during and after construction; and

(3) Ensure that the final fill is suitable for reclamation and revegetation compatible with the natural surroundings and the approved postmining land use.

(b) *Design certification.* (1) The fill and appurtenant structures shall be designed using current, prudent engineering practices and shall meet any design criteria established by the regulatory authority. A qualified registered professional engineer experienced in the design of earth and rock fills shall certify the design of the fill and appurtenant structures.

(2) The fill shall be designed to attain a minimum long-term static safety factor of 1.5. The foundation and abutments of the fill must be stable under all conditions of construction.

(c) *Location.* The disposal area shall be located on the most moderately

sloping and naturally stable areas available, as approved by the regulatory authority, and shall be placed, where possible, upon or above a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement.

(d) *Foundation.* (1) Sufficient foundation investigations, as well as any necessary laboratory testing of foundation material, shall be performed in order to determine the design requirements for foundation stability. The analyses of foundation conditions shall take into consideration the effect of underground mine workings, if any, upon the stability of the fill and appurtenant structures.

(2) Where the slope in the disposal area is in excess of 2.8h:1v (36 percent), or such lesser slope as may be designated by the regulatory authority based on local conditions, keyway cuts (excavations to stable bedrock) or rock toe buttresses shall be constructed to ensure stability of the fill. Where the toe of the spoil rests on a downslope, stability analyses shall be performed in accordance with § 780.35(c) of this chapter to determine the size of rock toe buttresses and keyway cuts.

* * * * *

PART 817—PERMANENT PROGRAM PERFORMACNE STANDARDS—UNDERGROUND MINING ACTIVITIES

■ 21. The authority citation for part 817 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 22. Section 817.10 is revised to read as follows:

§ 817.10 Information collection.

(a) The collections of information contained in Part 817 have been approved by Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029–0048. The information will be used to meet the requirements of 30 U.S.C. 1211, 1251, 1266, and 1309a which provide, among other things, that permittees conducting underground coal mining operations will meet the applicable performance standards of the Act. This information will be used by the regulatory authority in monitoring and inspecting underground mining activities. The obligation to respond is required to obtain a benefit.

(b) Public reporting burden for this information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

■ 23. In § 817.11, revise paragraph (e) to read as follows:

§ 817.11 Signs and markers.

* * * * *

(e) *Buffer zone markers.* Buffer zones required by § 817.57 shall be clearly marked to prevent disturbance by surface operations and facilities.

* * * * *

■ 24. Amend § 817.43 as follows:

■ a. Revise paragraph (a)(3);

■ b. Remove paragraph (a)(4) and redesignate paragraph (a)(5) as paragraph (a)(4);

■ c. Revise paragraphs (b)(1) and (b)(4); and

■ d. Remove paragraph (b)(5).

The revisions will read as follows:

§ 817.43 Diversions.

(a) * * *

(3) Temporary diversions shall be removed promptly when no longer needed to achieve the purpose for which they were authorized. The land disturbed by the removal process shall be restored in accordance with this part. Before diversions are removed, downstream water-treatment facilities previously protected by the diversion shall be modified or removed, as necessary, to prevent overtopping or failure of the facilities. This requirement shall not relieve the operator from maintaining water-treatment facilities as otherwise required. A permanent diversion or a stream channel reclaimed after the removal of a temporary diversion shall be designed and constructed so as to restore or approximate the premining characteristics of the original stream channel including the natural riparian vegetation to promote the recovery and the enhancement of the aquatic habitat.

* * * * *

(b) * * *

(1) Diversion of perennial and intermittent streams within the permit area may be approved by the regulatory authority after making the finding relating to stream buffer zones called for in 30 CFR 817.57 that the diversions will not adversely affect the water quantity and quality and related environmental resources of the stream.

* * * * *

(4) The design and construction of all stream channel diversions of perennial and intermittent streams shall be certified by a qualified registered professional engineer as meeting the performance standards of this part and any design criteria set by the regulatory authority.

* * * * *

■ 25. Amend § 817.46 by redesignating paragraphs (b)(2) through (b)(5) as paragraphs (b)(4) through (b)(7), respectively, and by adding new paragraphs (b)(2) and (b)(3) to read as follows.

§ 817.46 Hydrologic balance: Siltation structures.

* * * * *

(b) * * *

(2) All surface drainage from the disturbed area shall be passed through a siltation structure before leaving the permit area, except as provided in paragraph (b)(5) or (e) of this section. The requirements of this paragraph are suspended effective December 22, 1986, per court order.

(3) Siltation structures for an area shall be constructed before beginning any underground mining activities in that area, and upon construction shall be certified by a qualified registered professional engineer, or, in any State which authorizes land surveyors to prepare and certify plans in accordance with § 784.16(a) of this chapter, a qualified registered professional land surveyor, to be constructed as designed and as approved in the reclamation plan.

* * * * *

■ 26. Revise § 817.57 to read as follows:

§ 817.57 Hydrologic balance: Stream buffer zones.

(a) No land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by underground mining activities, unless the regulatory authority specifically authorizes underground mining activities closer to, or through, such a stream. The regulatory authority may authorize such activities only upon finding that—

(1) Underground mining activities will not cause or contribute to the violation of applicable State or Federal water quality standards and will not adversely affect the water quantity and quality or other environmental resources of the stream; and

(2) If there will be a temporary or permanent stream-channel diversion, it will comply with § 817.43.

(b) The area not to be disturbed shall be designated as a buffer zone, and the operator shall mark it as specified in § 817.11.

■ 27. In § 817.71, revise paragraphs (a) through (d) and add a new paragraph (k) to read as follows:

§ 817.71 Disposal of excess spoil: General requirements.

(a) *General.* Excess spoil shall be placed in designated disposal areas within the permit area, in a controlled manner to—

(1) Minimize the adverse effects of leachate and surface water runoff from the fill on surface and ground waters;

(2) Ensure mass stability and prevent mass movement during and after construction; and

(3) Ensure that the final fill is suitable for reclamation and revegetation compatible with the natural surroundings and the approved postmining land use.

(b) *Design certification.* (1) The fill and appurtenant structures shall be designed using current, prudent engineering practices and shall meet any design criteria established by the regulatory authority. A qualified registered professional engineer experienced in the design of earth and rock fills shall certify the design of the fill and appurtenant structures.

(2) The fill shall be designed to attain a minimum long-term static safety factor of 1.5. The foundation and abutments of the fill must be stable under all conditions of construction.

(c) *Location.* The disposal area shall be located on the most moderately sloping and naturally stable areas available, as approved by the regulatory authority, and shall be placed, where possible, upon or above a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement.

(d) *Foundation.* (1) Sufficient foundation investigations, as well as any necessary laboratory testing of foundation material, shall be performed in order to determine the design requirements for foundation stability. The analyses of foundation conditions shall take into consideration the effect of underground mine workings, if any, upon the stability of the fill and appurtenant structures.

(2) When the slope in the disposal area is in excess of 2.8h:lv (36 percent), or such lesser slope as may be designated by the regulatory authority based on local conditions, keyway cuts (excavations to stable bedrock) or rock toe buttresses shall be constructed to ensure stability of the fill. Where the toe of the spoil rests on a downslope, stability analyses shall be performed in accordance with § 784.19 of this chapter to determine the size of rock toe buttresses and keyway cuts.

* * * * *

(k) *Face-up operations.* Spoil resulting from face-up operations for underground coal mine development may be placed at drift entries as part of a cut and fill structure, if the structure is less than 400 feet in horizontal length, and designed in accordance with § 817.71.

[FR Doc. 2014–29864 Filed 12–19–14; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–1032]

RIN 1625–AA00

Safety Zone, Elizabeth River; Portsmouth, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary Final Rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of the Elizabeth River in Portsmouth, VA for 10 periods of 48 hours beginning at midnight on February 18, February 23, February 26, March 3, March 9, April 20, April 23, April 27, April 30, and May 11, 2015. This action will restrict vessel traffic movement in the designated area during construction of the new Midtown Tunnel. This action is necessary to protect the life and property of the maritime public due to the number of work vessels in the designated area and their lack of maneuverability while engaged in construction operations.

DATES: This rule is effective from December 22, 2014 through May 11, 2015, and will be enforced for 10 periods of 48 hours in length, beginning at midnight on February 18, February 23, February 26, March 3, March 9, April 20, April 23, April 27, April 30, and May 11, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–1032]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Gregory Knoll, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone (757) 668–5580, email *HamptonRoadsWaterway@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

SKW Constructors are building a second span for the Midtown Tunnel between Portsmouth and Norfolk, VA and will be conducting operations that require closures of the federal channel beginning in February 2015. A Notice of Proposed Rulemaking (NPRM) was published on August 25, 2014 in the **Federal Register** (79 FR 50571).

The Coast Guard received one comment on the NPRM, which is addressed below in Section C. No request for a public meeting was received, and no meeting was held.

The original Temporary Final Rule, docket number [USCG–2014–0693] was published on November 12, 2014 in the **Federal Register** (79 FR 67063). Due to unforeseen construction delays, the channel closure dates had to be shifted back, prompting the issuance of the instant Temporary Final Rule.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

Due to increased vehicle traffic in the Hampton Roads area, SKW Constructors, in concert with Elizabeth River Crossings and the Virginia Department of Transportation, is constructing a second tunnel parallel to the existing Midtown Tunnel between Portsmouth and Norfolk, VA. The construction will involve submerging elements of the new Midtown Tunnel. The presence of working vessels and the inability to maneuver submerged equipment necessitate closures of the federal channel. The closures will be in effect for 10 48-hour periods to allow SKW Constructors to install the segments of the tunnel that overlap the federal channel.

The Coast Guard is establishing a safety zone in the portion of the

Elizabeth River between Elizabeth River Channel Buoy 31 (LLNR 9835) and Elizabeth River Channel Buoy 34 (LLNR 9855). The first of the 10 scheduled closures will begin at midnight on February 18, 2015; the final scheduled closure will begin at midnight on May 11, 2015. The dates and hours are subject to change due to weather, scheduling conflicts, equipment failure and other unforeseen factors. Any further changes to these dates will be listed in the **Federal Register** if time permits, and in all cases will be communicated via marine information broadcasts.

C. Discussion of Comments, Changes, and the Final Rule

The Coast Guard received one comment expressing concern about the lengths of the closures and the economic impact on business operations. The comment also requested a working group of industry members and the Coast Guard to determine the potential impact of the closures. No formal working group was assigned, but the Coast Guard and SKW participated in extensive dialogues over several years with a wide range of port partners and interested parties including, but not limited to, the Virginia Maritime Association, Virginia Pilots Association, Association of Virginia Docking Pilots, Independent Docking Pilots, and U.S. Navy. In addition to being discussed at meetings exclusively pertaining to the Midtown Tunnel, the topic has been on the agenda at multiple Area Maritime Security Committee and Maritime Transportation System Planning Subcommittee meetings, at which port partners, including industry representatives, were afforded the opportunity to discuss the potential impact of the closures.

The decision to close the channel for 10 periods of 48 hours in length comes as a result of these extensive and widespread discussions, which have been occurring since the earliest proposals for the project in 2007. Every effort has been made to reduce the length of time the channel is closed and any adverse impacts resulting therefrom. Based on these efforts, it was determined that 10 closures of 48 hours in length constitutes the best available means to complete the project. Further, 10 separate closures, rather than one extended closure, will enable SKW to complete the work while enabling traffic to flow between the closure periods, making it the least burdensome and best available plan.

The NPRM published on August 25, 2014 stated that the first channel closure would begin on January 1, 2015. The first closure will actually begin on February 18, 2015 at midnight. This change is reflected in the instant Final Rule.

The Captain of the Port of Hampton Roads is establishing a safety zone in the portion of the Elizabeth River between Elizabeth River Channel Buoy 31 (LLNR 9835) and Elizabeth River Channel Buoy 34 (LLNR 9855). The zone will be effective for 10 periods of 48 hours in length, with each respective period beginning at midnight on February 18, February 23, February 26, March 3, March 9, April 20, April 23, April 27, April 30, and May 11, 2015. The dates and hours are subject to further change due to weather, scheduling conflicts, equipment failure and other unforeseen factors. Any further changes to these dates will be listed in the **Federal Register** if time permits, and in all cases will be communicated via marine information broadcasts. No person or vessel may enter or remain in the regulated area unless authorized by the Captain of the Port, Hampton Roads or his designated Representative.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those orders. Although this regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The rule may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the specified portion of the Elizabeth River during the specified dates and times.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The safety zone will only be in place for a limited duration; and (ii) before the enforcement period, maritime advisories will be issued allowing mariners to adjust their plans accordingly.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of

compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–1032 to read as follows:

§ 165.T05–1032 Safety Zone, Elizabeth River; Portsmouth, VA.

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector Hampton Roads. Representative means any Coast Guard commissioned, warrant or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: specified waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25–10: The marked channel of the Elizabeth River between Elizabeth River Channel Buoy 31 (LLNR 9835) and Elizabeth River Channel Buoy 34 (LLNR 9855).

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated Representative.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Contact on scene contracting vessels via VHF channel 13 and 16 for passage instructions.

(ii) If on scene proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement period.* This section will be enforced for 10 periods of 48 hours in length beginning at midnight on February 18, February 23, February 26, March 3, March 9, April 20, April 23, April 27, April 30, and May 11, 2015. Any deviations from these times will be communicated via marine information broadcasts.

Dated: December 8, 2014.

Christopher S. Keane,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 2014–29850 Filed 12–19–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2014–0674; FRL–9920–61–Region 4]

Approval of Implementation Plans and Designation of Areas; Alabama; Redesignation of the Alabama Portion of the Chattanooga, 1997 p.m.$_{2.5}$ Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On April 23, 2013, the Alabama Department of Environmental Management (ADEM), submitted a request to redesignate the Alabama portion of the Chattanooga, TN-GA-AL fine particulate matter ($PM_{2.5}$) nonattainment area (hereafter referred to as the ''Chattanooga TN-GA-AL Area'' or ''Area'') to attainment for the 1997 Annual $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) and to approve a State Implementation Plan (SIP) revision containing a maintenance plan for the Alabama portion of the Chattanooga TN-GA-AL Area. The Alabama portion of the Chattanooga TN-GA-AL Area is comprised of a portion of Jackson County in Alabama. EPA is approving the redesignation request and the related SIP revision, including the plan for maintaining attainment of the 1997 Annual $PM_{2.5}$ standard for the Chattanooga TN-GA-AL Area. EPA is also approving the on-road motor vehicle insignificance determination for direct $PM_{2.5}$ and nitrogen oxides (NOx) for the Alabama portion of the Chattanooga TN-GA-AL Area. On September 14, 2012, and November 13, 2014, Georgia and Tennessee (respectively) submitted requests to redesignate the Georgia and Tennessee portions of the Chattanooga TN-GA-AL Area. EPA will be taking separate action on the requests from Georgia and Tennessee.

DATES: This rule is effective December 22, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2014–0674. 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 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 Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joydeb Majumder, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Joydeb Majumder may be reached by phone at (404) 562–9121 or via electronic mail at *majumder.joydeb@epa.gov.*

I. What is the Background for the Actions?

On April 23, 2013, ADEM submitted a request to redesignate the Alabama portion of the Chattanooga TN-GA-AL nonattainment area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS and to approve, as a revision to the Alabama SIP, a maintenance plan for the Area.[1] On November 12, 2014, EPA proposed to redesignate the Alabama portion of Chattanooga TN-GA-AL Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS, and to approve, as a revision to the Alabama SIP, the State's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan and the on-road motor vehicle insignificance determination for direct $PM_{2.5}$ and NOx for the Alabama portion of Chattanooga TN-GA-AL Area included in that maintenance plan.[2] *See* 79 FR 67137. EPA also proposed to determine that the Chattanooga TN-GA-AL Area is continuing to attain the 1997 Annual $PM_{2.5}$ NAAQS and that attainment can be maintained through 2025. EPA received no adverse comments on the November 12, 2014, proposed rulemaking. EPA notes that it inadvertently referred to the Area as the ''Chattanooga, TN–GA Area'' in the November 12, 2014, proposed rulemaking. In today's final rulemaking, EPA is clarifying this Area should have been referred to as the ''Chattanooga, TN-GA-AL Area'' to account for a correction for the name of this Area that was published in the **Federal Register** on May 5, 2014, at 79 FR 25508.

In its November 12, 2014, proposed action, EPA stated that the adequacy public comment period on the motor vehicle insignificance determination (as contained in Alabama's April 23, 2013, submittal) began on September 22, 2014, and closed on October 22, 2014. No comments were received during this public comment period, and therefore, EPA deems the insignificance determination adequate for the purposes of transportation conformity.

As stated in EPA's November 12, 2014, proposal notice, the 3-year design value of 12.9 micrograms per cubic meter ($\mu g/m^3$) for the Area for 2007–2009 meets the $PM_{2.5}$ Annual NAAQS of 15.0 $\mu g/m^3$. EPA has reviewed the most recent ambient monitoring data, which confirms that the Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS beyond the 3-year attainment period of 2007–2009.

II. What are the Actions EPA is Taking?

In today's rulemaking, EPA is approving Alabama's redesignation request to change the legal designation of the portion of the Jackson County in Alabama within the Area from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS, and as a revision to the Alabama SIP, the State's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan and the on-road motor vehicle insignificance determination for the Alabama portion of the Area included in that maintenance plan. The maintenance plan is designed to demonstrate that the Chattanooga TN-GA-AL Area will continue to attain the 1997 Annual $PM_{2.5}$ NAAQS through 2025. EPA's approval of the redesignation request is based on EPA's determination that the Alabama portion of Chattanooga TN-GA-AL Area meets the criteria for redesignation set forth in the CAA, including EPA's determination that the Chattanooga TN-GA-AL Area has attained and continues to attain the 1997 Annual $PM_{2.5}$ NAAQS and that attainment can be maintained through 2025. EPA's analyses of Alabama's redesignation request and maintenance plan are described in detail in the November 12, 2014, proposed rule. *See* 79 FR 67137. Through this final action, EPA is finding the on-road motor vehicle insignificance determination for the Alabama portion of the Area (included in that maintenance plan) adequate for transportation conformity purposes.

EPA is now taking final action as described above. Additional background for today's action is set forth in EPA's November 12, 2014, proposal and is summarized below.

EPA has reviewed the most recent ambient monitoring data, which indicate that the Chattanooga TN-GA-AL Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS beyond the submitted 3-year attainment period of

[1] EPA designated the Chattanooga TN-GA-AL Area as nonattainment for the 1997 Annual $PM_{2.5}$ NAAQS on January 5, 2005 (70 FR 944) as supplemented on April 14, 2005 (70 FR 19844).

[2] On February 8, 2012, EPA approved, under section 172(c)(3) of the Clean Air Act (CAA or Act), Alabama's 2002 base-year emissions inventory for the Chattanooga TN-GA-AL Area as part of the SIP revision submitted by ADEM to provide for attainment of the 1997 $PM_{2.5}$ NAAQS in the Area. *See* 77 FR 6467.

2007–2009. As stated in EPA's November 12, 2014, proposal notice, the 3-year design value of 12.9 μg/m³ for the Area for 2007–2009 meets the NAAQS of 15.0 μg/m³. Quality assured and certified data in EPA's Air Quality System (AQS) for 2013 provide a 3-year design value of 10.5 μg/m³ for the Area for 2011–2013. Furthermore, preliminary monitoring data for 2014 indicate that the Area is continuing to attain the 1997 Annual $PM_{2.5}$ NAAQS. The 2014 preliminary data are available in AQS although the data are not yet quality assured and certified.

III. Why is EPA taking these actions?

EPA has determined that the Chattanooga TN-GA-AL Area has attained the 1997 Annual $PM_{2.5}$ NAAQS and has also determined that all other criteria for the redesignation of the Alabama portion of Chattanooga TN-GA-AL Area from nonattainment to attainment of the 1997 Annual $PM_{2.5}$ NAAQS have been met. *See* CAA section 107(d)(3)(E). One of those requirements is that the Alabama portion of Chattanooga TN-GA-AL Area has an approved plan demonstrating maintenance of the 1997 Annual $PM_{2.5}$ NAAQS over the ten-year period following redesignation. EPA has determined that attainment can be maintained through 2025 and is taking final action to approve the maintenance plan for the Chattanooga TN-GA-AL Area as meeting the requirements of sections 175A and 107(d)(3)(E) of the CAA. The detailed rationale for EPA's findings and actions is set forth in the November 12, 2014, proposed rulemaking. *See* 79 FR 67137.

IV. What are the effects of these actions?

Approval of the redesignation request changes the legal designation of the portion of the Jackson County in Alabama within the Area from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. EPA is modifying the regulatory table in 40 CFR 81.301 to reflect a designation of attainment for this portion of Jackson County. EPA is also approving, as a revision to the Alabama SIP, the State's plan for maintaining the 1997 Annual $PM_{2.5}$ NAAQS in the Chattanooga TN-GA-AL Area. The maintenance plan includes the on-road motor vehicle insignificance determination for direct $PM_{2.5}$ and NOx for the Alabama portion of the Chattanooga TN-GA-AL Area and contingency measures to remedy possible future violations of the 1997 Annual $PM_{2.5}$ NAAQS.

V. Final Action

EPA is taking final action to approve the redesignation and change the legal designation of a portion of Jackson County in Alabama from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. Through this action, EPA is also approving into the Alabama SIP the 1997Annual $PM_{2.5}$ maintenance plan for the Alabama portion of the Chattanooga TN-GA-AL Area, which includes an on-road motor vehicle insignificance finding for direct $PM_{2.5}$ and NOx for the Alabama portion of the Chattanooga TN-GA-AL Area. Finally, EPA is finding the insignificance determination contained in Alabama's April 23, 2013, SIP revision adequate for the purposes of transportation conformity.

In accordance with 5 U.S.C. 553(d), EPA finds that there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the Area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule grants or recognizes an exemption or relieves a restriction, and section 553(d)(3), which allows an effective date less than 30 days after publication as otherwise provided by the agency for good cause found and published with the rule. The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the Area of various requirements for the Alabama portion of the Chattanooga TN-GA-AL Area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

VI. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of the maintenance plan under CAA section 107(d)(3)(E) are actions that affect the status of geographical area and do not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to attainment does not in and of itself impose any new requirements, but rather results in the application 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, 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 these reasons, these actions:

- Are not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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);
- are not 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 EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 20, 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, Reporting and recordkeeping requirements, and Particulate matter.

40 CFR Part 81

Environmental protection, Air pollution control, National parks.

Dated: December 9, 2014.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR parts 52 and 81 are amended as follows:

PART 52–APPROVAL & PROMULGATION OF PLANS

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

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

Subpart B—Alabama

■ 2. Section 52.50(e) is amended by adding an entry for ''1997 Annual $PM_{2.5}$ Maintenance Plan for the Alabama portion of Chattanooga TN-GA-AL Area'' at the end of the table to read as follows:

§ 52.50 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED ALABAMA NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
*	*	*	*	*
1997 Annual $PM_{2.5}$ Maintenance Plan for the Alabama portion of the Chattanooga TN-GA-AL Area.	Portion of Jackson County in the Chattanooga TN-GA-AL Area.	04/23/13	12/22/14 [Insert citation of publication].	

PART 81—DESIGNATION 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.*

■ 4. In § 81.301, the table entitled ''Alabama—1997 Annual $PM_{2.5}$ NAAQS'' is amended under ''Chattanooga, TN-GA:'' by revising the entry for ''Jackson County (part)'' to read as follows:

§ 81.301 Alabama.

* * * * *

ALABAMA—1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
* * *	*	*	*	*
Chattanooga, TN-GA-AL:.				
Jackson County (part)	12/22/14	Attainment.		
The area described by US Census 2000 block group identifier 01–071–9503–1				
* * *	*	*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2014–29776 Filed 12–19–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 14–179, RM–11736; DA 14–1834]

Television Broadcasting Services; Denver, Colorado

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: A petition for rulemaking was filed by Entravision Holdings, LLC (''Entravision''), the licensee of KCEC(TV), channel 51, Denver, Colorado, requesting the substitution of channel 26 for channel 51 at Denver. Entravision filed comments reaffirming its interest in the proposed channel substitution and explained that the channel substitution will allow it to serve all viewers currently receiving digital service while eliminating any potential interference with wireless operations in the Lower 700 MHZ A Block located adjacent to channel 51 in Denver. Entravision states that it will file an application for a construction permit for channel 26 and implement the change in accordance with the Commission's rules upon adoption of the channel substitution.

DATES: Effective December 22, 2014.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 14–179, adopted December 16, 2014, and released December 16, 2014. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document will also be available via ECFS (*http://fjallfoss.fcc.gov/ecfs/*). This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via the company's Web site, *http://www.bcpiweb.com.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

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

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

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Colorado is amended by removing channel 51 and adding channel 26 at Denver.

[FR Doc. 2014–29919 Filed 12–19–14; 8:45 am]

BILLING CODE 6712–01–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1509, 1527, and 1552

[EPA–HQ–OARM–2013–0224; FRL–9920–80–OARM]

Acquisition Regulation: Incorporation of Class Deviation to Notification of Conflicts of Interest Regarding Personnel and Project Employee Confidentiality Agreement

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulation (EPAAR) to incorporate a class deviation to clause 1552.209–73, Notification of Conflicts of Interest Regarding Personnel, and 1552.227–76, Project Employee Confidentiality Agreement, and their respective prescriptions, to include Alternate 1 for the subcontract flow-down requirements for other than Superfund work. The class deviation to the two clauses was executed to address the increased use of these conflict of interest (COI) clauses in non-Superfund contracts to better protect the Agency from COI. The Superfund flow-down language in the basic clauses does not apply or relate to non-Superfund contracts and would likely be confusing if the Superfund specific language was not deleted. The rule also provides for minor administrative edits.

DATES: This final rule is effective on January 21, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OARM–2013–0224. 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, *e.g.,* 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 EPA Docket Center, OEI Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket Center is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: Jared F. Van Buskirk, Policy, Training, and Oversight Division, Office of Acquisition Management (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–3010; email address: *vanbuskirk.jared@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA published a proposed rule in the **Federal Register** at 79 FR 49033, August 19, 2014, to update the EPAAR to incorporate a class deviation that was executed to add subcontract flow-down requirements for other than Superfund work to the two clauses: 1552.209–73 and 1552.227–76. The Agency's COI clauses are generally written to address

COI for the Superfund programs. These two clauses are increasingly included in non-Superfund contracts to better protect the Agency from COI. No comments were received and no other changes were made to the proposed rule.

II. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* No information is collected under this action.

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The Regulatory Flexibility Act 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 impact of today's final rule on small entities, ''small entity'' is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified 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 this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action revises a current EPAAR provision and does not impose requirements involving capital investment, implementing procedures, or record keeping. This rule will not have a significant economic impact on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, Local, and Tribal governments and the private sector.

This rule contains no Federal mandates (under the regulatory provisions of the Title II of the UMRA) for State, Local, and Tribal governments or the private sector. The rule imposes no enforceable duty on any State, Local or Tribal governments or the private sector. Thus, the rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and Local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.''

This rule 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.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This rule does not have tribal implications as specified in Executive Order 13175.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045, entitled ''Protection of Children from Environmental Health and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under Executive Order 12886, and (2) concerns an environmental health or safety risk that may have a proportionate effect on children. This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environmental health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution of Use'' (66 FR 28335 (MAY 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) (15 U.S.C 272 note) of NTTA, Public Law 104–113, directs 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. The NTTA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, 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 (EO) 12898 (59 FR 7629 (Feb. 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.

EPA has determined that this rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This rulemaking does not involve human health or environmental affects.

K. Congressional Review Act

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. Section 804 exempts from section 801 the following types of rules—(1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

List of Subjects in 48 CFR Parts 1509, 1527, and 1552

Government procurement.

Dated: December 1, 2014.

John R. Bashista,

Director, Office of Acquisition Management.

Therefore, 48 CFR Chapter 15 is amended as set forth below:

PART 1509—CONTRACTOR QUALIFICATIONS

■ 1. The authority citation for part 1509 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

■ 2. Section 1509.507–2 is amended by revising paragraphs (a) and (b) and in paragraph (c) introductory text by removing the term ''simplified acquisition procedures'' and adding in its place ''simplified acquisitions''.

The revisions read as follows:

1509.507–2 Contract clause.

(a) The Contracting Officer shall include the clause at 1552.209–71, in all Superfund contracts in excess of the simplified acquisition threshold and, as appropriate, in simplified acquisitions for Superfund work. Contracts for other than Superfund work shall include Alternate I in this clause in lieu of paragraph (e).

(b) The Contracting Officer shall include the clause at 1552.209–73, in all solicitations and contracts for Superfund work in excess of the simplified acquisition threshold and, as appropriate, in simplified acquisitions for Superfund work. Contracts for other than Superfund work shall include Alternate I in this clause in lieu of paragraph (d).

* * * * *

PART 1527—PATENTS, DATA, AND COPYRIGHTS

■ 3. The authority citation for part 1527 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

■ 4. Revise section 1527.409 to read as follows:

1527.409 Solicitation provisions and contract clauses.

The Contracting Officer shall insert the clause in 1552.227–76 in all Superfund solicitations and contracts in excess of the simplified acquisition threshold and, as appropriate, in simplified acquisitions for Superfund work. The clause may be used in other contracts if considered necessary by the Contracting Officer. Contracts for other than Superfund work shall include Alternate I in this clause in lieu of paragraph (d).

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. The authority citation for part 1552 continues to read as follows:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

■ 6. Section 1552.209–73 is amended by removing the term ''Project Officer'' in paragraphs (b) and (c) and adding in its place ''Contracting Officer's Representative'' and adding Alternate I.

The addition reads as follows:

1552.209–73 Notification of conflicts of interest regarding personnel.

* * * * *

Alternate I. Contracts for other than Superfund work shall include Alternate I in this clause in lieu of paragraph (d).

(d) The Contractor agrees to insert in each subcontract or consultant agreement placed hereunder provisions which shall conform substantially to the language of this clause, including this paragraph (d), unless otherwise authorized by the Contracting Officer.

■ 7. Section 1552.227–76 is amended by adding Alternate I to read as follows:

1552.227–76 Project employee confidentiality agreement.

* * * * *

Alternate I. Contracts for other than Superfund work shall include Alternate I in this clause in lieu of paragraph (d).

(d) The Contractor agrees to insert in each subcontract or consultant agreement placed hereunder provisions which shall conform substantially to the language of this clause, including this paragraph (d), unless otherwise authorized by the Contracting Officer.

[FR Doc. 2014–29868 Filed 12–19–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

Hours of Service of Drivers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of suspension of enforcement.

SUMMARY: FMCSA suspends enforcement of certain sections of the Agency's Hours of Service (HOS) rules as required by the Consolidated and Further Continuing Appropriations Act, 2015, enacted December 16, 2014. Specifically, FMCSA suspends the requirements regarding the restart of a driver's 60- or 70-hour limit that drivers were required to comply with beginning July 1, 2013. The restart provisions have no force or effect from the date of enactment of the Appropriations Act through the period of suspension, and such provisions are replaced with the previous restart provisions in effect on June 30, 2013. FMCSA provides this notification to motor carriers, commercial drivers, State Motor Carrier Safety Assistance Program grant recipients and other law enforcement personnel of these immediate enforcement changes.

DATES: The suspension of enforcement of § 395.3(c) and (d) is effective as of 12:01 a.m. on December 16, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Dee Williams, Chief, Compliance Division, Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–

0001. Telephone (202) 366–1812 or *Dee.Williams@dot.gov.* Office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: On December 27, 2011, FMCSA published a final rule titled ''Hours of Service of Drivers.'' [76 FR 81134.] The rule revised the HOS regulations and imposed certain limits on the use of the 34-hour restart provision (49 CFR 395.3(c)–(d)). Compliance with the revised restart provision began on July 1, 2013.

On December 16, 2014, the President signed the Consolidated and Further Continuing Appropriations Act, 2015, which provides FY 2015 appropriations to the U.S. Department of Transportation, including FMCSA. Section 133(a) of Title I of Division K of the Act declares that 49 CFR 395.3(c) and (d) ''shall have no force or effect from the date of enactment of this Act until the later of September 30, 2015, or upon submission of the final report issued by the Secretary [of Transportation] under this section. The restart provisions in effect on June 30, 2013, shall be in effect during this period.'' Section 133(a) also prohibits FMCSA from using any of the funds appropriated or otherwise made available by the Act to enforce § 395.3(c) and (d).

Section 395.3(c) allows drivers to restart the calculation of their 60- or 70-hour limit by taking an off-duty period of at least 34 consecutive hours, including two periods from 1:00 a.m. to 5:00 a.m. Under § 395.3(d), only one restart authorized by § 395.3(c) is allowed per week (168 hours), measured from the beginning of the previous restart period.

The restart provisions in effect on June 30, 2013, on the other hand, allowed drivers to restart their 60- or 70-hour calculation by taking at least 34 consecutive hours off duty, without any additional limitations. Drivers are therefore authorized, as of 12:01 a.m. on December 16, 2014, to resume use of the previous, unlimited restart provision.

While the suspension of enforcement provision does not preempt State law, in order to maintain enforcement activities and regulations compatible with the Federal law and regulation, the funding restrictions prohibit all agencies that receive Federal grant funds under the Motor Carrier Safety Assistance Program (MCSAP) from using MCSAP funding to engage in any enforcement activities based on the two restart restrictions that went into effect on July 1, 2013.

Because Section 133 temporarily suspends, but does not rescind, § 395.3(c) and (d), no changes are being made to the text of those provisions. The Act requires the Agency to perform ''a naturalistic study of the operational, safety, health and fatigue impacts'' of those restart provisions. The suspension of the restart rules that took effect on July 1, 2013, and the availability to drivers of the restart rules in effect on June 30, 2013, will continue until the end of Fiscal Year 2015 (September 30) or until the final report on the naturalistic study has been submitted to the House and Senate Committees on Appropriations, whichever is later.

FMCSA will provide public notice of the date when the temporary suspension ends and § 395.3(c) and (d) regain their legal force and effect.

Issued on: December 17, 2014.

T.F. Scott Darling, III,

Acting Administrator.

[FR Doc. 2014–30028 Filed 12–18–14; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 140107014–4014–01]

RIN 0648–XD547

Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #24 through #44

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

ACTION: Modification of fishing seasons; request for comments.

SUMMARY: NMFS announces 21 inseason actions in the ocean salmon fisheries. These inseason actions modified the commercial and recreational salmon fisheries in the area from the U.S./Canada border to U.S./Mexico border.

DATES: The effective dates for the inseason actions are set out in this document under the heading Inseason Actions. Comments will be accepted through January 6, 2015.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0005, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0005,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA, 98115–6349.
- *Fax:* 206–526–6736, Attn: Peggy Mundy.

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

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206–526–4323.

SUPPLEMENTARY INFORMATION:

Background

In the 2014 annual management measures for ocean salmon fisheries (79 FR 24580, May 1, 2014), NMFS announced the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, beginning May 1, 2014, and 2015 salmon seasons opening earlier than May 1, 2015. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions). The state management agencies that participate in these consultations are: California Department of Fish and Wildlife (CDFW), Oregon Department of Fish and Wildlife (ODFW), and Washington Department of Fish and Wildlife (WDFW).

Management of the salmon fisheries is generally divided into two geographic areas: north of Cape Falcon (U.S./

Canada border to Cape Falcon, OR) and south of Cape Falcon (Cape Falcon, OR, to the U.S./Mexico border). The inseason actions reported in this document affect fisheries north and south of Cape Falcon. Within the south of Cape Falcon area, the Klamath Management Zone (KMZ) extends from Humbug Mountain, OR, to Humboldt South Jetty, CA, and is divided at the Oregon/California border into the Oregon KMZ to the north and California KMZ to the south. Recreational fisheries north of Cape Falcon are managed in four subareas, named for the ports where landings occur. These subareas are: Neah Bay (U.S./Canada border to Cape Alava), La Push (Cape Alava to Queets River), Westport (Queets River to Leadbetter Point), and Columbia River (Leadbetter Point to Cape Falcon). All times mentioned refer to Pacific daylight time.

Inseason Actions

Inseason Action #24

Description of action: Inseason action #24 modified the dates and landing limit for the August 2014 commercial salmon fishery in the Oregon KMZ. Open dates were limited to the following schedule: August 13 through 15, August 20 through 21, and August 27 through 28. The landing limit remained 15 Chinook salmon per vessel per day. This action superseded inseason action #19 (79 FR 64129, October 28, 2014).

Effective dates: Inseason action #24 took effect on August 11, 2014, and remained in effect through August 31, 2014.

Reason and authorization for the action: Catch data for this fishery suggested that quota would be exceeded if action was not taken to further restrict harvest. Inseason action #24 was implemented to allow access to available quota without exceeding the quota set preseason. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #24 occurred on August 11, 2014. Participants were staff from NMFS, Council, ODFW, and CDFW.

Inseason Action #25

Description of action: Inseason action #25 adjusted the daily recreational bag limit in the Westport subarea to allow retention of two salmon per day, both of which could be Chinook salmon. Previously, the two-fish bag limit allowed retention of only one Chinook salmon.

Effective dates: Inseason action #25 took effect on August 18, 2014, and remained in effect until the affected fishery closed.

Reason and authorization for the action: This inseason action was taken to allow greater access to available quota for Chinook salmon. Inseason action to modify recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

Consultation date and participants: Consultation on inseason action #25 occurred on August 14, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #26

Description of action: Inseason action #26 rolled over unutilized quota from Cape Falcon to the Oregon/California border recreational mark-selective coho fishery (June 21 through August 10) to the non-mark-selective recreational fishery from Cape Falcon to Humbug Mountain (August 30 through September 30); and transferred coho quota from the recreational fishery to the commercial fishery. Of the 31,470 marked coho quota that remained from the summer mark-selective coho fishery, 15,000 coho were transferred to the non-mark-selective recreational fishery Cape Falcon to Humbug Mountain (August 30 through September 30) for an adjusted quota of 35,000. From the recreational fishery, 5,300 coho were transferred to the commercial fishery, Cape Falcon to Humbug Mountain, non-mark-selective incidental coho retention (September 3 through September 30). All quota transfers were adjusted to be impact-neutral for Lower Columbia River natural coho, as calculated by the Council's Salmon Technical Team (STT).

Effective dates: Inseason action #26 took effect on August 18, and remained in effect until the affected fisheries closed.

Reason and authorization for the action: This inseason action was taken to allow access to available quota that had not been utilized in the Cape Falcon to Oregon/California border recreational mark-selective coho fishery, as provided for in the annual management measures (79 FR 24580). Inseason action to modify quotas is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #26 occurred on August 18, 2014. Participants were staff from NMFS, Council, ODFW, CDFW, and WDFW.

Inseason Action #27

Description of action: Inseason action #27 set landing limits for the commercial fishery, Cape Falcon to Humbug Mountain, non-selective incidental coho retention (September 3 through September 30). One coho for each landed Chinook salmon with a landing week limit, Wednesday through Tuesday, of 20 coho per vessel. Guidance set preseason was that, if this incidental coho retention was allowed, the landing limit should be no more than one coho for each landed Chinook with a landing week limit of no more than 20 coho per vessel.

Effective dates: Inseason action #27 took effect on September 3, 2014, and remained in effect through September 30, 2014.

Reason and authorization for the action: Non-selective incidental coho retention in the September commercial salmon fishery south of Cape Falcon was provided for in the annual management measures (79 FR 24580) as a possibility, if sufficient quota was available for transfer to this fishery from the Cape Falcon to Humbug Mountain recreational salmon fishery. The required transfer of quota was implemented under inseason action #26. Inseason action #27 was taken to implement this commercial non-selective coho fishery and to adopt landing limits for this fishery that were consistent with preseason planning. Inseason action to modify the species that may be caught and landed during specific seasons is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason action #27 occurred on August 18, 2014. Participants were staff from NMFS, Council, ODFW, CDFW, and WDFW.

Inseason Action #28

Description of action: Inseason action #28 modified the landing and possession limit in the commercial salmon fishery north of Cape Falcon to 35 Chinook and 50 marked coho per vessel per open period north of Queets River or 35 Chinook and 150 marked coho per vessel per open period south of Queets River. North of Falcon commercial fisheries continue on a Friday through Tuesday open period schedule. This action superseded inseason action #22 (79 FR 64129), which set a single landing limit north of Cape Falcon of 75 Chinook and 150 marked coho per vessel per open period.

Effective dates: Inseason action #28 took effect August 22, 2014, and remained in effect until superseded by inseason action #32 on August 29, 2014.

Reason and authorization for the action: The reduced landing limits for Chinook salmon were implemented to slow harvest on remaining Chinook quota in an effort to sustain the fishery to September 16, as planned preseason. The differential landing limits for coho

salmon were implemented due to the large amount of coho quota remaining in the subarea south of Queets River; the subarea north of Queets River had limited coho quota due to fishery impacts on South Thompson River coho from British Columbia, Canada. This inseason action was taken to allow access to available quotas without exceeding the quotas set preseason. Inseason action to modify limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason action #28 occurred on August 18, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Actions #29 and #30

Inseason actions #29 and #30 modified the landing and possession limit for Pacific halibut caught incidental to the commercial salmon fishery by fishers licensed by the International Pacific Halibut Commission (IPHC). Prior to these actions, the landing limit was one Pacific halibut per four Chinook, per vessel per trip, with a trip limit of seven halibut. These actions kept the same ratio, but changed the trip limit to three Pacific halibut. Because the commercial salmon fishery north of Cape Falcon was operating on a five day per week schedule (Friday through Tuesday), and the fishery south of Cape Falcon was operating on a seven day per week schedule (Wednesday through Tuesday), it was necessary to implement this change in halibut retention in two separate actions.

Description of action #29: Inseason action #29 modified the incidental halibut landing and possession limit north of Cape Falcon, effective 12:01 a.m., Friday, August 22, 2014, to no more than one Pacific halibut per each four Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than 3 halibut may be possessed or landed per trip. Inseason action #29 superseded inseason action #23 (79 FR 64129) north of Cape Falcon.

Description of action #30: Inseason action #30 modified the landing and possession limit for Pacific halibut caught incidental to the commercial salmon fishery south of Cape Falcon. Because commercial salmon fisheries south of Cape Falcon were open seven days per week, and had ongoing fisheries at the time this action was taken, the action was implemented as follows. Effective 11:59 p.m., Friday, August 22, 2014, IPHC license holders in the commercial salmon fishery south of Cape Falcon, Oregon may land or possess no more than one Pacific halibut per each four Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than three halibut may be possessed or landed per trip. Beginning 12:01 a.m., Saturday, August 23, 2014, any commercial salmon fishing vessels in possession of more than three Pacific halibut must cease all fishing activities until Pacific halibut in excess of three have been landed and delivered. All Pacific halibut, in excess of three per trip, must be landed and delivered no later than 11:59 p.m., Saturday, August 23, 2014. Inseason action #30 superseded inseason action #23 (79 FR 64129) south of Cape Falcon.

Effective dates: Inseason actions #29 and #30 took effect on August 22, 2014, and remained in effect until incidental halibut retention closed on September 11, 2014 under inseason action #38.

Reason and authorization for the action: Based on catch data, the commercial salmon fishery was close to utilizing the incidental halibut allocation. Inseason actions #29 and #30 were taken to avoid exceeding the incidental halibut allocation that was set by the IPHC. Inseason action to modify limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason actions #29 and #30 occurred on August 21, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #31

Description of action: Inseason action #31 modified the daily bag limits in the recreational salmon fishery north of Cape Falcon to allow retention of unmarked coho in the Westport, La Push, and Neah Bay subareas; previously, only coho marked with a healed adipose fin clip could be retained.

Effective dates: Inseason action #31 took effect on September 1, 2014, and remained in effect until the affected fisheries closed.

Reason and authorization for the action: This action was taken to provide access to available coho quota and to support fishery-dependent communities on and after the Labor Day holiday, when effort traditionally decreases. Inseason action to modify recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

Consultation date and participants: Consultation on inseason action #31 occurred on August 27, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #32

Description of action: Inseason action #32 modified the landing and possession limits in the commercial salmon fisheries north of Cape Falcon to 20 Chinook and 50 marked coho per vessel per open period north of Queets River (previously 35 Chinook and 50 marked coho) or 20 Chinook and 150 marked coho per vessel per open period south of Queets River (previously 35 Chinook and 150 marked coho). This action superseded inseason action #28.

Effective dates: Inseason action #32 took effect on August 29, 2014, and remained in effect until superseded by inseason action #36, which took effect on September 5, 2014.

Reason and authorization for the action: Catch data suggested that, with three openings remaining in the season, there was a substantial amount of coho quota available, but limited available Chinook quota. Inseason action #32, to reduce Chinook landing limits in the commercial salmon fisheries north of Cape Falcon, was taken to allow access to remaining quotas while not exceeding those quotas. Inseason action to modify limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason action #32 occurred on August 27, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #33

Description of action: Inseason action #33 modified the coho quota in the recreational salmon fisheries north of Cape Falcon by converting the remaining coho quota from mark-selective to non-mark-selective on an impact-neutral basis. The STT calculated the impact-neutral conversion for each of the four subareas.

Effective dates: Inseason action #33 took effect on September 1, 2014, and remained in effect until the affected fisheries closed.

Reason and authorization for the action: This action was taken to establish? The non-mark-selective coho quotas that would be available to the recreational fisheries north of Cape Falcon, as modified by inseason action #31. This quota could not be calculated earlier, because completed catch data for August was not previously available. Inseason action to modify quotas is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #33 occurred on September 4, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #34

Description of action: Inseason action #34 transferred 1,000 non-mark-selective coho quota from the Neah Bay subarea to the La Push subarea in the recreational salmon fishery north of Cape Falcon. The STT determined that this transfer was impact-neutral without the need for adjustment.

Effective dates: Inseason action #34 took effect on September 1, 2014, and remained in effect until the affected fisheries closed.

Reason and authorization for the action: This action was taken to provide sufficient quota to the La Push subarea to allow fisheries to continue without exceeding the overall quota, north of Cape Falcon. Inseason action to modify quotas is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #34 occurred on September 4, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #35

Description of action: Inseason action #35 modified the daily bag limit in the recreational salmon fishery in the Columbia River subarea to all salmon, two fish per day, both of which can be Chinook salmon, and unmarked coho may be retained. Prior to this action, the daily bag limit was two fish per day, only one of which could be a Chinook and all coho retained must be marked with a healed adipose fin clip.

Effective dates: Inseason action #35 took effect on September 6, 2014, and remained in effect until the affected fishery closed.

Reason and authorization for the action: Catch data suggested that a substantial amount of coho and Chinook salmon quota remained for this subarea at this time. This inseason action was taken to allow greater access to available quota. Inseason action to modify recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

Consultation date and participants: Consultation on inseason action #35 occurred on September 4, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #36

Description of action: Inseason action #36 decreased the landing and possession limits in the commercial salmon fishery north of Cape Falcon to 15 Chinook and 20 marked coho north of Queets River (previously 20 Chinook and 50 marked coho) or 15 Chinook and 100 non-mark-selective coho south of Queets River (previously 20 Chinook and 150 marked coho). This action superseded inseason action #32.

Effective dates: Inseason action #36 took effect on September 5, 2014, and remained in effect until superseded by inseason action #40 on September 12, 2014.

Reason and authorization for the action: Catch data suggested that the fishery was approaching the quota for Chinook salmon, but a large quantity of coho quota remained, especially in the subarea south of Queets River. This action was taken to allow access to remaining quotas while not exceeding those quotas. Inseason action to modify limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason action #36 occurred on September 4, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #37

Description of action: Inseason action #37 modified the coho quota in the commercial salmon fishery north of Cape Falcon. Remaining coho quota for the area from Queets River to Cape Falcon was converted from mark-selective to non-mark-selective on an impact-neutral basis. The STT calculated the impact-neutral conversions for the affected management areas.

Effective dates: Inseason action #37 took effect on September 4, 2014, and remained in effect until the affected fishery closed.

Reason and authorization for the action: This action was taken to allow access to available quota while managing impacts on weak stocks, as identified preseason. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #37 occurred on September 4, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #38

Description of action: Inseason action #38 closed all commercial salmon fisheries, U.S./Canada border to U.S./Mexico border, to retention of Pacific halibut caught incidental to commercial salmon fishing, and required that any Pacific halibut on board must be landed and delivered by 11:59 p.m., Friday September 12, 2014.

Effective dates: Inseason action #38 took effect on September 12, 2014, and remained in effect through the end of the 2014 commercial salmon fishery.

Reason and authorization for the action: This action was taken due to the anticipated attainment of the incidental halibut allocation. Inseason action to modify fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #38 occurred on September 10, 2014. Participants were staff from NMFS, Council, ODFW, WDFW, and CDFW.

Inseason Action #39

Description of action: Inseason action #39 transferred 1,000 non-mark-selective coho quota from the Columbia River subarea to the Westport subarea in the recreational salmon fishery north of Cape Falcon. The STT determined that the transfer was impact-neutral and did not require any adjustment.

Effective dates: Inseason action #39 took effect on September 10, 2014, and remained in effect until the affected fisheries closed.

Reason and authorization for the action: This action was taken to ensure that the Westport subarea had access to sufficient quota to support the ongoing fishery, for the benefit of the local fishery-dependent community. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #39 occurred on September 10, 2014. Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #40

Description of action: Inseason action #40 adjusted the landing and possession limits in the commercial salmon fishery north of Cape Falcon to 15 Chinook salmon and 20 marked coho per vessel per open period north of Queets River (unchanged from previous) or 15 Chinook salmon and 200 non-mark-selective coho salmon per vessel per open period south of Queets River (previously 15 Chinook and 100 non-mark-selective coho). This inseason action superseded inseason action #36.

Effective dates: This action took effect on September 12, 2014, and remained in effect until the affected fisheries closed.

Reason and authorization for the action: With only one opening remaining in this fishery, substantial coho quota was still available south of the Queets River. This action was taken to allow access to available quota while managing impacts on weak stocks, as identified preseason. Inseason action to modify limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason action #40 occurred on September 10, 2014.

Participants were staff from NMFS, Council, ODFW, and WDFW.

Inseason Action #41

Description of action: Inseason action #41 modified the daily landing limit in the commercial salmon fishery in the California KMZ from 20 Chinook salmon per vessel per day to 30 Chinook salmon per vessel per day.

Effective dates: Inseason action #41 took effect on September 19, 2014, and remained in effect until the scheduled closure of this fishery on September 30, 2014.

Reason and authorization for the action: Catch data suggested that substantial quota remained in this fishery with only two open periods remaining in the season. Inseason action #41 was implemented to allow access to available quota. Inseason action to modify limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason action #41 occurred on September 17, 2014. Participants in this consultation were staff from NMFS, Council, CDFW, ODFW, and WDFW.

Inseason Action #42

Description of action: Inseason action #42 closed the non-mark-selective coho recreational fishery from Cape Falcon to Humbug Mountain at 11:59 p.m., September 19, 2014. The ongoing all salmon except coho recreational fishery in the same area continued as scheduled.

Effective dates: Inseason action #42 took effect at 11:59 p.m., September 19, 2014, and remained in effect through September 30, 2014, when the non-mark-selective coho fishery was originally scheduled to end.

Reason and authorization for the action: Catch data suggested that keeping this fishery open would likely result in exceeding the non-mark-selective coho quota for this fishery. Inseason action #42 was implemented to prevent exceeding the available quota of coho. Inseason action to modify fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #42 occurred on September 17, 2014. Participants in this consultation were staff from NMFS, Council, CDFW, ODFW, and WDFW.

Inseason Action #43

Description of action: Inseason action #43 closed the recreational salmon fisheries in the Westport subarea on September 19, 2014 and in the Columbia River subarea on September 21, 2014. These closures were earlier than scheduled preseason.

Effective dates: Inseason action #43 took effect at 11:59 p.m., September 19, 2014 in the Westport subarea, and at 11:59 p.m., September 21, 2014 in the Columbia River subarea. Inseason action #43 remained in effect through the scheduled end of the affected fisheries, September 30, 2014.

Reason and authorization for the action: This inseason action was taken to avoid exceeding quotas in the recreational salmon fishery. Inseason action to modify fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #43 occurred on September 17, 2014. Participants in this consultation were staff from NMFS, Council, CDFW, ODFW, and WDFW.

Inseason Action #44

Description of action: Inseason action #44 transferred unutilized coho quota from the recreational salmon fishery in the Neah Bay subarea and the commercial salmon fishery north of Cape Falcon to the recreation salmon fishery in the Columbia River and Westport subareas.

Effective dates: Inseason action #44 took effect on September 17, 2014, and remained in effect until the affected fisheries closed.

Reason and authorization for the action: This action was taken to ensure that the Westport and Columbia River subareas had access to sufficient quota to support the ongoing fishery, for the benefit of the local fishery-dependent community, until the fisheries closed as scheduled under inseason action #43. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #44 occurred on September 17, 2014. Participants in this consultation were staff from NMFS, Council, CDFW, ODFW, and WDFW.

All other restrictions and regulations remain in effect as announced for the 2014 ocean salmon fisheries and 2015 fisheries opening prior to May 1, 2015 (79 FR 24580, May 1, 2014).

The RA determined that the best available information indicated that Chinook salmon, coho salmon, and Pacific halibut landings and fishing effort supported the above inseason actions recommended by the states of Washington, Oregon, and California. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the time the action was effective, by telephone hotline number 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (79 FR 24580, May 1, 2014), the West Coast Salmon Fishery Management Plan (Salmon FMP), and regulations implementing the Salmon FMP, 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time catch and effort projections were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, thus allowing fishers access to the available fish at the time the fish were available while ensuring that quotas are not exceeded. The AA also finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3), as a delay in effectiveness of these actions would allow fishing at levels inconsistent with the goals of the Salmon FMP and the current management measures.

These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

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

Dated: December 16, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–29785 Filed 12–19–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 79, No. 245

Monday, December 22, 2014

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 45

[Docket No. FAA–2013–0933]

RIN 2120–AK20

Changes to Production Certificates and Approvals; Notice of Availability of Proposed Advisory Circulars

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability and request for comments.

SUMMARY: This notice announces the availability of and request for comments on proposed revisions to three FAA Advisory Circulars (ACs). The proposed revisions correspond to proposed regulatory changes outlined in the FAA's February 27, 2014, notice of proposed rulemaking (NPRM), *Changes to Production Certificates and Approvals.* Due to erroneous information in the docket that may have led commenters not to submit their views on the ACs, the FAA will accept comment on the three ACs only, and not on the regulatory changes proposed in the NPRM. The three ACs include: AC 21–43, *Production Under 14 CFR Part 21, Subparts F, G, K, and O;* AC 21–44, *Issuance of Export Airworthiness Approvals Under 14 CFR Part 21 Subpart L;* and AC 45–2, *Identification and Registration Marking.*

DATES: Comments must be received on or before January 21, 2015.

ADDRESSES: You may send comments identified by docket number FAA–2013–0933 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations 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.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or Docket Operations 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: For technical questions concerning this action, contact Priscilla Steward or Robert Cook, Aircraft Certification Service, Production Certification Branch, AIR–112, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–1656; email: *priscilla.steward@faa.gov;* or telephone: (202) 267–1590; email: *robert.cook@faa.gov.*

For legal questions concerning this action, contact Benjamin Jacobs, AGC–210, Office of the Chief Counsel, International Law, Legislation, and Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–7240; email: *benjamin.jacobs@faa.gov.*

SUPPLEMENTARY INFORMATION: See the ''Additional Information'' section for information on how to comment on these proposed ACs and how the FAA will handle comments received. The ''Additional Information'' section also contains information related to the docket, privacy, and the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

Background

On February 27, 2014, the FAA issued Notice No. 14–10, ''*Changes to Production Certificates and Approvals*'' (79 FR 11004). In addition to the NPRM, the FAA proposed revisions to three advisory circulars (ACs):

(1) AC No. 21–43A, *Production Under 14 CFR Part 21, subparts F, G, K, and O,* provides information about Title 14 of the Code of Federal Regulations (14 CFR) part 21, Certification Procedures for Products and Parts. This AC addresses the manufacturing and production requirements of part 21, subpart F, Production Under Type Certificate; subpart G, Production Certificates; subpart K, Parts Manufacturer Approvals; and subpart O, Technical Standard Order Approvals. This AC provides guidance on how a production approval applicant or production approval holder should develop and maintain its quality system. In addition, the AC provides guidance on how to meet the production-related requirements of subparts F, G, K, and O.

(2) AC No. 21–44A, *Issuance of Export Airworthiness Approvals Under 14 CFR Part 21 Subpart L,* provides guidance for an acceptable means, but not the only means, to comply with requirements in Title 14, Code of Federal Regulations (14 CFR) part 21, Certification Procedures for Products, Articles, and Parts, subpart L, Export Airworthiness Approvals.

(3) AC No. 45–2E, *Identification and Registration Marking,* provides information about Title 14, Code of Federal Regulations (14 CFR), part 45, Identification and Registration Marking. This AC describes an acceptable means, but not the only means, to comply with the requirements for marking aircraft and aircraft engines with identification plates, marking of propellers, and marking aircraft with nationality and registration marks.

Copies of these revised ACs were included in the docket along with the NPRM, and the FAA requested that members of the public submit any comments on or before May 28, 2014. However, due to erroneous information in the docket, commenters on the ACs were led to believe they could not file their comments on the ACs during the comment period. Therefore, to ensure that the public has the opportunity to

provide comments *specifically on the ACs* posted in the docket (FAA–2013–0933), the FAA is opening a 30-day comment period to allow for comments on the referenced ACs only. The FAA will not accept or address comments on the NPRM because the comment period for the NPRM closed on May 28, 2014.

Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this request for comment by submitting written comments, data, or views. The most helpful comments should reference a specific portion of the AC, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. All comments received on or before the closing date for comments will be considered by the FAA before we issue the final ACs.

Proprietary or Confidential Business Information: Do not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD–ROM, mark the outside of the disk or CD–ROM, and identify electronically within the disk or CD–ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under the DOT procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or

3. Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number when submitting a request.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on December 12, 2015.

Frank P. Paskiewicz,

Deputy Director, Aircraft Certification Service.

[FR Doc. 2014–29799 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0213]

RIN 1625–AA09

Drawbridge Operation Regulation; Coquille River, Coos Bay, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating schedule that governs the U.S. 101 highway drawbridge also known as Bullard's Drawbridge, near Coos Bay, Oregon. The proposed change would allow the drawbridge to permanently remain in the closed position, no longer opening for vessel traffic. While there is vessel traffic on this waterway, no one has requested a drawbridge opening since 1998. Oregon Department of Transportation (ODOT) owns the bridge and requested to update the operating schedule accordingly.

DATES: Comments and related material must reach the Coast Guard on or before February 20, 2015. Requests for public meetings must be received by the Coast Guard on or before January 21, 2015.

ADDRESSES: You may submit comments identified by docket number USCG–2014–0213 using any one of the following methods:

(1) Federal eRulemaking Portal: *http://www.regulations.gov.*

(2) Fax: 202–493–2251.

(3) Mail or Delivery: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. To avoid duplication, please use only one of these methods.

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

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section Symbol
U.S.C. United States Code

A. Public Participation and Request for Comments

We encourage you to participate in this proposed rulemaking by submitting comments and related materials. All comments received will be posted, without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting comments

If you submit a comment, please include the docket number for this proposed rulemaking (USCG–2014–0213), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your

document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2014–0213] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing comments and documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–0213) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one by January 21, 2015 using one of the methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

The Oregon Department of Transportation (ODOT) owns the U.S. 101 Highway Bridge also known as Bullard's Drawbridge, Coquille River, mile 3.5, Coos Bay, OR, and has requested that the drawbridge regulation be amended to allow the bridge to remain in the permanently closed position. ODOT provided the Coast Guard with bridge logs which indicated no request for bridge openings have been received since 1998. The U.S. 101 Highway Bridge also known as Bullard's Drawbridge, Coquille River, in the closed position, provides 28.1 feet of vertical clearance at mean high water and 35 feet at low water. In the open position the span provides 74.3 feet of vertical clearance at mean high water. Coquille River is transited by commercial fishing and recreational vessel traffic.

The Coast Guard believes this proposed rule is reasonable, and if implemented, should continue to meet the present and future needs of navigation. Based on the records provided by ODOT to the Coast Guard, it is expected that the proposed change will have no known impact to navigation or other waterway users.

C. Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 117.875 which requires the U.S. 101 highway bridge also known as Bullard's Drawbridge to open on signal if at least two hours notice is given to the drawtender at the Coos Bay South Slough bridge. The amendment allows the bridge to remain closed to the passage of vessels. However, pursuant to 117.39, the draws must be able to operate within six months of being required to do so by the District Commander. The Coast Guard believes this proposed rule change will meet the current and future reasonable needs of navigation since the drawbridge has not received a request to open for marine traffic since 1998.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The Coast Guard basis of this finding is on the fact that the bridge has received no requests for openings and has remained in the closed position for the last 16 years without any impacts to waterway users.

2. Impact on Small Entities

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

This action will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessels that can safely transit under the bridge may do so at any time. Furthermore, no known waterway users have requested a bridge opening within the last 16 years.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

5. Federalism

A rule has implications for federalism under Executive Order 13132,

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.875 to read as follows:

§ 117.875 Coquille River.

The draws of the US 101 highway bridge, mile 3.5 at Bandon, Oregon, need not be opened for the passage of vessels; however, the draws shall be restored to operable condition within 6 months after notification by the District Commander to do so.

Dated: December 5, 2014.

R.T. Gromlich,

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

[FR Doc. 2014–29851 Filed 12–19–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2014–0147; FRL–9920–70–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation Request and Associated Maintenance Plan for the Reading, Pennsylvania Nonattainment Area for the 1997 Annual Fine Particulate Matter Standard, and 2007 Base Year Inventory

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the Commonwealth of Pennsylvania (Commonwealth or Pennsylvania) request to redesignate to attainment the Reading, Pennsylvania nonattainment area (Reading Area or the Area) for the 1997 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). In addition, EPA is proposing to approve, as a revision to the Pennsylvania State Implementation Plan (SIP), the Reading Area maintenance plan to show maintenance of the 1997 annual $PM_{2.5}$ NAAQS through 2025 for the Area. The maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and nitrogen oxides (NO_X) mobile vehicle emissions budgets (MVEBs) for the Reading Area for the 1997 annual $PM_{2.5}$ NAAQS, which EPA is proposing to approve for transportation conformity purposes. EPA is also proposing to find adequate the MVEBs for Berks County. Finally, EPA is proposing to approve, as a revision to the Pennsylvania SIP, the 2007 base year emissions inventory for the Area for the 1997 annual $PM_{2.5}$ NAAQS.

DATES: Written comments must be received on or before January 21, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0147 by one of the following methods:

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

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

C. *Mail:* EPA–R03–OAR–2014–0147, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0147. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by email at *powers.marilyn@epa.gov.*

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I. Background

The first air quality standards for $PM_{2.5}$ were established on July 18, 1997 (62 FR 38652). EPA promulgated an annual standard at a level of 15 micrograms per cubic meter (μg/m³), based on a three-year average of annual mean $PM_{2.5}$ concentrations (the 1997 annual $PM_{2.5}$ standard or the standard). In the same rulemaking, EPA promulgated a 24-hour standard of 65 μg/m³ based on a three-year average of the 98th percentile of 24-hour concentrations.

On January 5, 2005 (70 FR 944, 1014), EPA published air quality area designations for the 1997 $PM_{2.5}$ NAAQS. In that rulemaking action, EPA designated the Reading Area as nonattainment for the 1997 annual $PM_{2.5}$ NAAQS. The Reading Area is comprised of Berks County in Pennsylvania. *See* 40 CFR 81.339 (Pennsylvania). Since the Reading Area is designated nonattainment for the annual NAAQS promulgated in 1997, today's proposed rulemaking action addresses the redesignation to attainment only for this standard.

On September 25, 2009 (74 FR 48863), EPA determined that the Reading Area had attained the 1997 annual $PM_{2.5}$ NAAQS. Pursuant to 40 CFR 51.1004(c) and based on this determination, the requirements for the Reading Area to submit an attainment demonstration and associated reasonably available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures, and other planning SIP revisions related to the attainment of the 1997 annual $PM_{2.5}$ NAAQS are suspended until such time as: the Area is redesignated to attainment for the standard, at which time the section 51.1004(c) requirements no longer apply, or EPA determines that the Area has again violated the standard, at which time such plans are required to be submitted. On July 29, 2011 (76 FR 45424), EPA determined that the Reading Area had attained the 1997 annual $PM_{2.5}$ NAAQS by the statutory attainment date of April 5, 2010. EPA's review of the most recent certified monitoring data for the Area shows that the Area continues to attain the standard.

On November 25, 2013, the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), formally submitted a request to redesignate the Reading Area from nonattainment to attainment for the 1997 annual $PM_{2.5}$ NAAQS. Concurrently, PADEP submitted a maintenance plan for the Area as a SIP revision to ensure continued attainment throughout the Area over the next 10 years. The maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for the Areas for the 1997 annual $PM_{2.5}$ NAAQS, which EPA is proposing to approve for transportation conformity purposes. PADEP also submitted a 2007 comprehensive emissions inventory for the 1997 annual $PM_{2.5}$ NAAQS for $PM_{2.5}$, NO_X, sulfur dioxide (SO_2), volatile organic compounds (VOC), and (ammonia) NH_3. EPA is proposing to approve as a SIP revision the maintenance plan for the 1997 annual $PM_{2.5}$ NAAQS. EPA is also proposing to approve the 2007 emissions inventory to meet the emissions inventory requirement of section 172(c)(3) of the CAA.

II. EPA's Requirements

A. Criteria for Redesignation to Attainment

The CAA provides the requirements for redesignating a nonattainment area

to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation providing that: (1) EPA determines that the area has attained the applicable NAAQS; (2) EPA has fully approved the applicable implementation plan for the area under section 110(k) of the CAA; (3) EPA determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) EPA has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA; and, (5) the state containing such area has met all requirements applicable to the area under section 110 and part D of the CAA. Each of these requirements are discussed in section V (EPA's Analysis of Pennsylvania's SIP Submittal) of today's proposed rulemaking action.

EPA provided guidance on redesignation in the ''SIPs; General Preamble for the Implementation of Title I of the CAA Amendments of 1990,'' (57 FR 13498, April 16, 1992) (the ''General Preamble'') and has provided further guidance on processing redesignation requests in the following documents: (1) ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereafter referred to as the ''1992 Calcagni Memorandum''); (2) ''SIP Actions Submitted in Response to CAA Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992; and (3) ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994.

B. Requirements of a Maintenance Plan

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A of the CAA, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after approval of a redesignation of an area to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan demonstrating that attainment will continue to be maintained for the 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain such contingency measures, with a schedule for implementation, as EPA deems necessary to assure prompt correction of any future $PM_{2.5}$ violations.

The 1992 Calcagni Memorandum provides additional guidance on the content of a maintenance plan. The memorandum states that a maintenance plan should address the following provisions: (1) An attainment emissions inventory; (2) a maintenance demonstration showing maintenance for 10 years; (3) a commitment to maintain the existing monitoring network; (4) verification of continued attainment; and (5) a contingency plan to prevent or correct future violations of the NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIP revisions and maintenance plans for nonattainment areas and for areas seeking redesignation to attainment for a given NAAQS. These emission control strategy SIP revisions (*e.g.,* RFP and attainment demonstration SIP revisions) and maintenance plans create MVEBs based on onroad mobile source emissions for the relevant criteria pollutants and/or their precursors, where appropriate, to address pollution from onroad transportation sources. The MVEBs are the portions of the total allowable emissions that are allocated to onroad vehicle use that, together with emissions from all other sources in the area, will provide attainment, RFP, or maintenance, as applicable. The budget serves as a ceiling on emissions from an area's planned transportation system. Under 40 CFR part 93, a MVEB for an area seeking a redesignation to attainment is established for the last year of the maintenance plan.

The maintenance plan for the Reading Area includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for transportation conformity purposes. The transportation conformity determination for the Area is further discussed in subsection C of section V (Transportation Conformity) of today's proposed rulemaking action and in a technical support document (TSD) dated April 29, 2014, which is available in the docket for this proposed rulemaking action.

III. Summary of Proposed Actions

EPA is proposing to take several rulemaking actions related to the redesignation of the Reading Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS. EPA is proposing to find that the Area meets the requirements for redesignation for the 1997 annual $PM_{2.5}$ NAAQS under section 107(d)(3)(E) of the CAA. EPA is also proposing to approve the associated maintenance plan for the Reading Area as a revision to the Pennsylvania SIP for the 1997 annual $PM_{2.5}$ NAAQS, including the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for the Area. The approval of the maintenance plan is one of the CAA criteria for redesignation of the Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS. Pennsylvania's maintenance plan is designed to ensure continued attainment in the Reading Area for 10 years after redesignation.

EPA previously determined that the Reading Area has attained the 1997 annual $PM_{2.5}$ NAAQS. *See* 76 FR 45424, (July 27, 2011). In this rulemaking action, EPA proposes to find that the Area continues to attain the standard. EPA is also proposing to approve the 2007 comprehensive emissions inventory that includes $PM_{2.5}$, SO_2, NO_X, VOC, and NH_3 for the Reading Area as a revision to the Pennsylvania SIP for the 1997 annual $PM_{2.5}$ NAAQS in order to meet the requirements of section 172(c)(3) of the CAA.

IV. Effects of Recent Court Decisions on Proposed Actions

A. Effects of EME Homer City Decision

1. Background

The U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit Court) and the Supreme Court have issued a number of decisions and orders regarding the status of EPA's regional trading programs for transported air pollution, the Clean Air Interstate Rule (CAIR) and the Cross State Air Pollution Rule (CSAPR), that impact this proposed redesignation action. In 2008, the D.C. Circuit Court initially vacated CAIR, *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit Court's remand, EPA promulgated CSAPR, to address interstate transport of emissions and resulting secondary air pollutants and to replace CAIR.[1] CSAPR requires substantial reductions of SO_2 and NO_X emissions from electric generating units (EGUs) in 28 states in the Eastern United States. Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR's cap-and-trade programs would have superseded the CAIR cap-and-trade

[1] CAIR addressed the 1997 $PM_{2.5}$ annual NAAQS and the 1997 8-hour ozone NAAQS. CSAPR addresses contributions from upwind states to downwind nonattainment and maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS as well as the ozone and $PM_{2.5}$ NAAQS addressed by CAIR.

programs. Numerous parties filed petitions for review of CSAPR, and on December 30, 2011, the D.C. Circuit Court issued an order staying CSAPR pending resolution of the petitions and directing EPA to continue to administer CAIR. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Dec. 30, 2011), Order at 2.

On August 21, 2012, the D.C. Circuit Court issued its ruling, vacating and remanding CSAPR to EPA and once again ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit Court subsequently denied EPA's petition for rehearing en banc. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302, 2013 WL 656247 (D.C. Cir. Jan. 24, 2013), at *1. EPA and other parties then petitioned the Supreme Court for a writ of certiorari, and the Supreme Court granted the petitions on June 24, 2013. *EPA* v. *EME Homer City Generation, L.P.,* 133 S. Ct. 2857 (2013).

On April 29, 2014, the Supreme Court vacated and reversed the D.C. Circuit Court's decision regarding CSAPR, and remanded that decision to the D.C. Circuit Court to resolve remaining issues in accordance with its ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). EPA moved to have the stay of CSAPR lifted by the D.C. Circuit Court in light of the Supreme Court decision. *EME Homer City Generation, L.P.* v. *EPA,* Case No. 11–1302, Document No. 1499505 (D.C. Cir. filed June 26, 2014). In its motion, EPA asked the D.C. Circuit Court to toll CSAPR's compliance deadlines by three years, so that the Phase 1 emissions budgets apply in 2015 and 2016 (instead of 2012 and 2013), and the Phase 2 emissions budgets apply in 2017 and beyond (instead of 2014 and beyond). On October 23, 2014, the D.C. Circuit Court granted EPA's motion and lifted the stay of CSAPR which was imposed on December 30, 2011. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Oct. 23, 2014), Order at 3.

2. Proposal on This Issue

Because CAIR was promulgated in 2005 and incentivized sources and states to begin achieving early emission reductions, the air quality data examined by EPA in issuing a final determination of attainment for the Reading Area in 2009 (September 25, 2009, 74 FR 48863) and the air quality data from the Area since 2005 necessarily reflect reductions in emissions from upwind sources as a result of CAIR, and Pennsylvania includes CAIR as one of the measures that helped to bring the Area into attainment. However, modeling conducted by EPA during the CSAPR rulemaking process, which used a baseline emissions scenario that ''backed out'' the effects of CAIR, *see* 76 FR at 48223, projected that Berks County would have a $PM_{2.5}$ annual design value [2] below the level of the 1997 annual $PM_{2.5}$ standard for 2012 and 2014 without taking into account emission reductions from CAIR or CSAPR. *See* Appendix B of EPA's ''Air Quality Modeling Final Rule Technical Support Document,'' (Page B–57), which is available in the docket for this proposed rulemaking action. In addition, the 2010–2012 quality-assured, quality-controlled, and certified monitoring data for the Reading Area confirms that the $PM_{2.5}$ annual design value for the Area remained well below the 1997 annual $PM_{2.5}$ NAAQS in 2012.

The status of CSAPR is not relevant to this redesignation. CSAPR was promulgated in June 2011, and the rule was stayed by the D.C. Circuit Court just six months later, before the trading programs it created were scheduled to go into effect. Therefore, the Reading Area's attainment of the 1997 annual $PM_{2.5}$ standard cannot have been a result of any emission reductions associated with CSAPR. In addition, on October 23, 2014, the D.C. Circuit Court lifted the stay on CSAPR. In sum, neither the status of CAIR nor the current status of CSAPR affects any of the criteria for proposed approval of this redesignation request for the Area.

B. Effect of the January 4, 2013 D.C. Circuit Court Decision Regarding $PM_{2.5}$ Implementation Under Subpart 4 of Part D of Title I of the CAA

1. Background

On January 4, 2013, in *NRDC* v. *EPA,* the D.C. Circuit Court remanded to EPA the ''Final Clean Air Fine Particle Implementation Rule'' (72 FR 20586, April 25, 2007) and the ''Implementation of the NSR Program for $PM_{2.5}$'' final rule (73 FR 28321, May 16, 2008) (collectively, ''1997 $PM_{2.5}$ Implementation Rule''). 706 F.3d 428 (D.C. Cir. 2013). The D.C. Circuit Court found that EPA erred in implementing the 1997 annual $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of Part D of Title I of the CAA (subpart 1), rather than the particulate-matter-specific provisions of subpart 4 of Part D of Title I (subpart 4).

Prior to the January 4, 2013 decision, the states had worked towards meeting the air quality goals of the 1997 annual $PM_{2.5}$ NAAQS in accordance with EPA regulations and guidance derived from subpart 1. Subsequent to this decision, EPA took this history into account and responded to the D.C. Circuit Court's remand by proposing to set a new deadline for any remaining submissions that may be required for a moderate nonattainment area due to the applicability of subpart 4.

On June 2, 2014 (79 FR 31566) EPA finalized the ''Identification of Nonattainment Classification and Deadlines for Submission of SIP Provisions for the 1997 $PM_{2.5}$ NAAQS and 2006 $PM_{2.5}$ NAAQS'' rule (the $PM_{2.5}$ Subpart 4 Classification and Deadline Rule). The rule identifies the classification under subpart 4 for areas currently designated nonattainment for the 1997 annual and/or 2006 24-hour $PM_{2.5}$ standards, and sets a new deadline for states to submit attainment-related and other SIP elements required for these areas pursuant to subpart 4. The rule also identifies EPA guidance that is currently available regarding subpart 4 requirements. The $PM_{2.5}$ Subpart 4 Classification and Deadline Rule specifies December 31, 2014 as the deadline for the states to submit any additional attainment-related SIP-elements that may be needed to meet the applicable requirements of subpart 4 for areas currently designated nonattainment for the 1997 annual and/or 2006 24-hour $PM_{2.5}$ NAAQS and to submit SIPs addressing the nonattainment NSR requirements in subpart 4. Therefore, as explained in detail in the following section, since Pennsylvania submitted its request to redesignate the Reading Area for the 1997 annual $PM_{2.5}$ NAAQS on November 25, 2013, any additional attainment-related SIP elements that may be needed for the Reading Area to meet the applicable requirements of subpart 4 were not due at the time that Pennsylvania submitted its redesignation request for the Area.

2. Proposal on This Issue

In this proposed rulemaking action, EPA addresses the effect of the D.C. Circuit Court's January 4, 2013 ruling and the June 2, 2014 $PM_{2.5}$ Subpart 4 Nonattainment Classification and Deadline Rule on the Reading Area redesignation request. EPA is proposing to determine that the D.C. Circuit Court's January 4, 2013 decision does not prevent EPA from redesignating the Reading Area to attainment. Even in light of the D.C. Circuit Court's decision, redesignation for the Area is appropriate

[2] As defined in 40 CFR part 50, Appendix N, section (1)(c). A monitoring site's design value is compared to the level of the 1997 annual $PM_{2.5}$ NAAQS to determine compliance with the standard.

under the CAA and EPA's longstanding interpretations of the CAA provisions regarding redesignation. EPA first explains its longstanding interpretation that requirements that are imposed, or that become due, after a complete redesignation request is submitted for an area that is attaining the standard, are not applicable for purposes of evaluating a redesignation request. Second, EPA then shows that, even if EPA applies the subpart 4 requirements to the Reading Area redesignation request and disregards the provisions of its 1997 annual $PM_{2.5}$ implementation rule remanded by the D.C. Circuit Court, the States' request for redesignation of the Area still qualifies for approval. EPA's discussion takes into account the effect of the D.C. Circuit Court's ruling and the June 2, 2014 $PM_{2.5}$ Subpart 4 Classification and Deadline Rule on the Area's maintenance plan, which EPA views as approvable when subpart 4 requirements are considered.

a. Applicable Requirements Under Subpart 4 for Purposes of Evaluating the Reading Area Redesignation Request

With respect to the 1997 $PM_{2.5}$ Implementation Rule, the D.C. Circuit Court's January 4, 2013 ruling rejected EPA's reasons for implementing the $PM_{2.5}$ NAAQS solely in accordance with the provisions of subpart 1, and remanded that matter to EPA, so that it could address implementation of the 1997 annual $PM_{2.5}$ NAAQS under subpart 4, in addition to subpart 1. For the purposes of evaluating the Commonwealth's redesignation request for the Reading Area, to the extent that implementation under subpart 4 would impose additional requirements for areas designated nonattainment, EPA believes that those requirements are not ''applicable'' for the purposes of CAA section 107(d)(3)(E), and thus EPA is not required to consider subpart 4 requirements with respect to the redesignation of the Reading Area. Under its longstanding interpretation of the CAA, EPA has interpreted section 107(d)(3)(E) to mean, as a threshold matter, that the part D provisions which are ''applicable'' and which must be approved in order for EPA to redesignate an area include only those which came due prior to a state's submittal of a complete redesignation request. *See* 1992 Calcagni Memorandum. *See also* ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992,'' Memorandum from Michael Shapiro, Acting Assistant Administrator, Air and Radiation, September 17, 1993 (Shapiro memorandum); Final Redesignation of Detroit-Ann Arbor, (60 FR 12459, 12465–66, March 7, 1995); Final Redesignation of St. Louis, Missouri, (68 FR 25418, 25424–27, May 12, 2003); *Sierra Club* v. *EPA,* 375 F.3d 537, 541 (7th Cir. 2004) (upholding EPA's redesignation rulemaking applying this interpretation and expressly rejecting Sierra Club's view that the meaning of ''applicable'' under the statute is ''whatever should have been in the plan at the time of attainment rather than whatever actually was in the plan and already implemented or due at the time of attainment'').[3] In this case, at the time that Pennsylvania submitted its November 25, 2013 redesignation request, the requirements under subpart 4 were not due.

EPA's view that, for purposes of evaluating the redesignation of the Reading Area, the subpart 4 requirements were not due at the time the Commonwealth submitted the redesignation request is in keeping with the EPA's interpretation of subpart 2 requirements for subpart 1 ozone areas redesignated subsequent to the D.C. Circuit Court's decision in *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 472 F.3d 882 (D.C. Cir. 2006). In *South Coast,* the D.C. Circuit Court found that EPA was not permitted to implement the 1997 8-hour ozone standard solely under subpart 1, and held that EPA was required under the statute to implement the standard under the ozone-specific requirements of subpart 2 as well. Subsequent to the *South Coast* decision, in evaluating and acting upon redesignation requests for the 1997 8-hour ozone standard that were submitted to EPA for areas under subpart 1, EPA applied its longstanding interpretation of the CAA that ''applicable requirements,'' for purposes of evaluating a redesignation, are those that had been due at the time the redesignation request was submitted. *See, e.g.,* Proposed Redesignation of Manitowoc County and Door County Nonattainment Areas (75 FR 22047, 22050, April 27, 2010). In those actions, EPA, therefore, did not consider subpart 2 requirements to be ''applicable'' for the purposes of evaluating whether the area should be redesignated under section 107(d)(3)(E).

EPA's interpretation derives from the provisions of section 107(d)(3). Section 107(d)(3)(E)(v) states that, for an area to be redesignated, a state must meet ''all requirements 'applicable' to the area under section 110 and part D.'' Section 107(d)(3)(E)(ii) provides that the EPA must have fully approved the ''applicable'' SIP for the area seeking redesignation. These two sections read together support EPA's interpretation of ''applicable'' as only those requirements that came due prior to submission of a complete redesignation request. First, holding states to an ongoing obligation to adopt new CAA requirements that arose after the state submitted its redesignation request, in order to be redesignated, would make it problematic or impossible for EPA to act on redesignation requests in accordance with the 18-month deadline Congress set for EPA action in section 107(d)(3)(D). If ''applicable requirements'' were interpreted to be a continuing flow of requirements with no reasonable limitation, states, after submitting a redesignation request, would be forced continuously to make additional SIP submissions that in turn would require EPA to undertake further notice-and-comment rulemaking actions to act on those submissions. This would create a regime of unceasing rulemaking that would delay action on the redesignation request beyond the 18-month timeframe provided by the CAA for this purpose.

Second, a fundamental premise for redesignating a nonattainment area to attainment is that the area has attained the relevant NAAQS due to emission reductions from existing controls. Thus, an area for which a redesignation request has been submitted would have already attained the NAAQS as a result of satisfying statutory requirements that came due prior to the submission of the request. Absent a showing that unadopted and unimplemented requirements are necessary for future maintenance, it is reasonable to view the requirements applicable for purposes of evaluating the redesignation request as including only those SIP requirements that have already come due. These are the requirements that led to attainment of the NAAQS. To require, for redesignation approval, that a state also satisfy additional SIP requirements coming due after the state submits its complete redesignation request, and while EPA is reviewing it, would compel the state to do more than is necessary to attain the NAAQS, without a showing that the additional requirements are necessary for maintenance.

[3] Applicable requirements of the CAA that come due subsequent to the area's submittal of a complete redesignation request remain applicable until a redesignation is approved, but are not required as a prerequisite to redesignation. Section 175A(c) of the CAA.

In the context of this redesignation, the timing and nature of the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA* and EPA's April 25, 2014 $PM_{2.5}$ Subpart 4 Nonattainment Classification and Deadline Rule compound the consequences of imposing requirements that come due after the redesignation requests are submitted. Pennsylvania submitted its redesignation request for the 1997 annual $PM_{2.5}$ NAAQS on November 25, 2013, which is prior to the deadline by which the Reading Area is required to meet the applicable requirements pursuant to subpart 4.

To require the Pennsylvania's fully-completed and pending redesignation request for the 1997 annual $PM_{2.5}$ NAAQS to comply now with requirements of subpart 4 that the D.C. Circuit Court announced only in January, 2013 and for which the deadline to comply has not yet come, would be to give retroactive effect to such requirements and provide the Commonwealth a unique and earlier deadline for compliance solely on the basis of submitting its redesignation request for the Reading Area. The D.C. Circuit Court recognized the inequity of this type of retroactive impact in *Sierra Club* v. *Whitman,* 285 F.3d 63 (D.C. Cir. 2002),[4] where it upheld the D.C. Circuit Court's ruling refusing to make retroactive EPA's determination that the St. Louis area did not meet its attainment deadline. In that case, petitioners urged the D.C. Circuit Court to make EPA's nonattainment determination effective as of the date that the statute required, rather than the later date on which EPA actually made the determination. The D.C. Circuit Court rejected this view, stating that applying it ''would likely impose large costs on States, which would face fines and suits for not implementing air pollution prevention plans . . . even though they were not on notice at the time.'' *Id.* at 68. Similarly, it would be unreasonable to penalize the States by rejecting their redesignation request for an area that is already attaining the 1997 annual $PM_{2.5}$ standard and that met all applicable requirements known to be in effect at the time of the requests. For EPA now to reject the redesignation request solely because Pennsylvania did not expressly address subpart 4 requirements which have not yet come due, would inflict the same unfairness condemned by the D.C. Circuit Court in *Sierra Club* v. *Whitman.*

b. Subpart 4 Requirements and Pennsylvania's Redesignation Request

Even if EPA were to take the view that the D.C. Circuit Court's January 4, 2013 decision requires that, in the context of pending redesignations for the 1997 annual $PM_{2.5}$ NAAQS, subpart 4 requirements were due and in effect at the time Pennsylvania submitted its redesignation request, EPA proposes to determine that the Reading Area still qualifies for redesignation to attainment for the 1997 annual $PM_{2.5}$ NAAQS. As explained subsequently, EPA believes that the redesignation request for the Reading Area, though not expressed in terms of subpart 4 requirements, substantively meet the requirements of that subpart for purposes of redesignating the Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS.

With respect to evaluating the relevant substantive requirements of subpart 4 for purposes of redesignating the Reading Area, EPA notes that subpart 4 incorporates components of subpart 1 of part D, which 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 coarse particulate matter (PM_{10})[5] nonattainment areas, and under the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA,* these same statutory requirements also apply for $PM_{2.5}$ nonattainment areas. 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,* the General Preamble. In the General Preamble, 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). The subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM, RFP, emissions inventories, and contingency measures.

For the purposes of this redesignation request, in order to identify any additional requirements which would apply under subpart 4, consistent with EPA's June 2, 2014 $PM_{2.5}$ Subpart 4 Classification and Deadline Rule, EPA is considering the Reading Area to be a ''moderate'' $PM_{2.5}$ nonattainment area. As EPA explained in its June 2, 2014 rule, section 188 of the CAA provides that all areas designated nonattainment areas under subpart 4 are initially classified by operation of law as ''moderate'' nonattainment areas, and remain moderate nonattainment areas unless and until EPA reclassifies the area as a ''serious'' nonattainment area. Accordingly, EPA believes that it is appropriate to limit the evaluation of the potential impact of subpart 4 requirements to those that would be applicable to moderate nonattainment areas. Sections 189(a) and (c) of subpart 4 apply to moderate nonattainment areas and include the following: (1) An approved permit program for construction of new and modified major stationary sources (section 189(a)(1)(A)); (2) an attainment demonstration (section 189(a)(1)(B)); (3) provisions for RACM (section 189(a)(1)(C)); and, (4) quantitative milestones demonstrating RFP toward attainment by the applicable attainment date (section 189(c)).

The permit requirements of subpart 4, as contained in section 189(a)(1)(A), refer to and apply the subpart 1 permit provisions requirements of sections 172 and 173 to PM_{10}, without adding to them. Consequently, EPA believes that section 189(a)(1)(A) does not itself impose for redesignation purposes any additional requirements for moderate areas beyond those contained in subpart 1.[6] In any event, in the context of redesignation, EPA has long relied on the interpretation that a fully approved nonattainment NSR program is not considered an applicable requirement for redesignation, provided the area can maintain the standard with a prevention of significant deterioration (PSD) program after redesignation. A detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D NSR Requirements for Areas Requesting Redesignation to Attainment.'' *See also* rulemakings for Detroit, Michigan (60 FR 12467–12468, March 7, 1995); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, October 23, 2001); and Grand Rapids, Michigan (61 FR 31834–31837, June 21, 1996).

[4] *Sierra Club* v. *Whitman* was discussed and distinguished in a recent D.C. Circuit Court decision that addressed retroactivity in a quite different context, where, unlike the situation here, EPA sought to give its regulations retroactive effect. *National Petrochemical and Refiners Ass'n* v. *EPA.* 630 F.3d 145, 163 (D.C. Cir. 2010), rehearing denied 643 F.3d 958 (D.C. Cir. 2011), cert denied 132 S. Ct. 571 (2011).

[5] PM_{10} refers to particulates nominally 10 micrometers in diameter or smaller.

[6] The potential effect of section 189(e) on section 189(a)(1)(A) for purposes of evaluating this redesignation is discussed in this rulemaking action.

With respect to the specific attainment planning requirements under subpart 4,[7] when EPA evaluates a redesignation request under either subpart 1 or 4, any area that is attaining the $PM_{2.5}$ NAAQS is viewed as having satisfied the attainment planning requirements for these subparts. For redesignations, EPA has for many years interpreted attainment-linked requirements as not applicable for areas attaining the standard. In the General Preamble, EPA stated that: ''The requirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that the area has already attained. Showing that the State will make RFP towards attainment will, therefore, have no meaning at that point.''

The General Preamble also explained that: ''[t]he section 172(c)(9) requirements are directed at ensuring RFP and attainment by the applicable date. These requirements no longer apply when an area has attained the standard and is eligible for redesignation. Furthermore, section 175A for maintenance plans . . . provides specific requirements for contingency measures that effectively supersede the requirements of section 172(c)(9) for these areas.'' *Id.* EPA similarly stated in its 1992 Calcagni Memorandum that, ''The requirements for reasonable further progress and other measures needed for attainment will not apply for redesignations because they only have meaning for areas not attaining the standard.''

It is evident that even if we were to consider the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA* to mean that attainment-related requirements specific to subpart 4 should be imposed retroactively[8], or prior to December 13, 2014 and, thus, were due prior to Pennsylvania's redesignation request, those requirements do not apply to an area that is attaining the 1997 annual $PM_{2.5}$ NAAQS, for the purpose of evaluating a pending request to redesignate the area to attainment. EPA has consistently enunciated this interpretation of applicable requirements under section 107(d)(3)(E) since the General Preamble was published more than twenty years ago. Courts have recognized the scope of EPA's authority to interpret ''applicable requirements'' in the redesignation context. *See Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004).

Moreover, even outside the context of redesignations, EPA has viewed the obligations to submit attainment-related SIP planning requirements of subpart 4 as inapplicable for areas that EPA determines are attaining the1997 annual $PM_{2.5}$ NAAQS. EPA's prior ''Clean Data Policy'' rulemakings for the PM_{10} NAAQS, also governed by the requirements of subpart 4, explain EPA's reasoning. They describe the effects of a determination of attainment on the attainment-related SIP planning requirements of subpart 4. *See* ''Determination of Attainment for Coso Junction Nonattainment Area,'' (75 FR 27944, May 19, 2010). *See also* Coso Junction Proposed PM_{10} Redesignation, (75 FR 36023, 36027, June 24, 2010); Proposed and Final Determinations of Attainment for San Joaquin Nonattainment Area (71 FR 40952, 40954–55, July 19, 2006; and 71 FR 63641, 63643–47, October 30, 2006). In short, EPA in this context has also long concluded that to require states to meet superfluous SIP planning requirements is not necessary and not required by the CAA, so long as those areas continue to attain the relevant NAAQS.

Elsewhere in this notice, EPA proposes to determine that the Reading Area has attained and continues to attain the 1997 annual $PM_{2.5}$ NAAQS. Under its longstanding interpretation, EPA is proposing to determine here that the Reading Area meets the attainment-related plan requirements of subparts 1 and 4 for the 1997 annual $PM_{2.5}$ NAAQS. Thus, EPA is proposing to conclude that all applicable requirements to submit an attainment demonstration under 189(a)(1)(B), a RACM determination under section 172(c)(1) and section 189(a)(1)(c), a RFP demonstration under 189(c)(1), and contingency measure requirements under section 172(c)(9) are satisfied for purposes of evaluating this redesignation request.

c. Subpart 4 and Control of $PM_{2.5}$ Precursors

The D.C. Circuit Court in *NRDC* v. *EPA* remanded to EPA the two rules at issue in the case with instructions to EPA to re-promulgate them consistent with the requirements of subpart 4. EPA in this section addresses the D.C. Circuit Court's opinion with respect to $PM_{2.5}$ precursors. While past implementation of subpart 4 for PM_{10} has allowed for control of PM_{10} precursors such as NOx from major stationary, mobile, and area sources in order to attain the standard as expeditiously as practicable, section 189(e) of the CAA specifically provides that control requirements for major stationary sources of direct PM_{10} shall also apply to PM_{10} precursors from those sources, except where EPA determines that major stationary sources of such precursors ''do not contribute significantly to PM_{10} levels which exceed the standard in the area.''

EPA's 1997 $PM_{2.5}$ Implementation Rule, remanded by the D.C. Circuit Court, contained rebuttable presumptions concerning certain $PM_{2.5}$ precursors applicable to attainment plans and control measures related to those plans. Specifically, in 40 CFR 51.1002, EPA provided, among other things, that a state was ''not required to address VOC [and ammonia] as . . . $PM_{2.5}$ attainment plan precursor[s] and to evaluate sources of VOC [and ammonia] emissions in the State for control measures.'' EPA intended these to be rebuttable presumptions. EPA established these presumptions at the time because of uncertainties regarding the emission inventories for these pollutants and the effectiveness of specific control measures in various regions of the country in reducing $PM_{2.5}$ concentrations. EPA also left open the possibility for such regulation of VOC and NH_3 in specific areas where that was necessary.

The D.C. Circuit Court in its January 4, 2013 decision made reference to both section 189(e) and 40 CFR 51.1002, and stated that, ''In light of our disposition, we need not address the petitioners' challenge to the presumptions in [40 CFR 51.1002] that VOCs and ammonia are not $PM_{2.5}$ precursors, as subpart 4 expressly governs precursor presumptions.'' *NRDC* v. *EPA,* at 27, n.10.

Elsewhere in the D.C. Circuit Court's opinion, however, the D.C. Circuit Court observed: ''Ammonia is a precursor to fine particulate matter, making it a precursor to both $PM_{2.5}$ and PM_{10}. For a PM_{10} nonattainment area governed by subpart 4, a precursor is presumptively regulated. *See* 42 U.S.C. 7513a(e) [section 189(e)].'' *Id.* at 21, n.7.

For a number of reasons, EPA believes that its proposed redesignation of the Reading Area for the 1997 annual $PM_{2.5}$ NAAQS is consistent with the D.C. Circuit Court's decision on this aspect of subpart 4. While the D.C. Circuit Court, citing section 189(e), stated that ''for a PM_{10} area governed by subpart 4, a precursor is 'presumptively regulated','' the D.C. Circuit Court expressly declined to decide the specific challenge to EPA's 1997 $PM_{2.5}$ Implementation Rule provisions regarding NH_3 and VOC as precursors. The D.C. Circuit Court had no occasion

[7] These attainment planning requirements include attainment demonstration, RFP, RACM, milestone requirements, contingency measures.

[8] As EPA has explained above, we do not believe that the D.C. Circuit Court's January 4, 2013 decision should be interpreted so as to impose these requirements on the states retroactively. *Sierra Club* v. *Whitman, supra.*

to reach whether and how it was substantively necessary to regulate any specific precursor in a particular $PM_{2.5}$ nonattainment area, and did not address what might be necessary for purposes of acting upon a redesignation request.

However, even if EPA takes the view that the requirements of subpart 4 were deemed applicable at the time the state submitted the redesignation request, and disregards the 1997 $PM_{2.5}$ Implementation Rule's rebuttable presumptions regarding NH_3 and VOC as $PM_{2.5}$ precursors, the regulatory consequence would be to consider the need for regulation of all precursors from any sources in the Area to demonstrate attainment and to apply the section 189(e) provisions to major stationary sources of precursors. In the case of the Reading Area, EPA believes that doing so is consistent with proposing redesignation of the Area for the 1997 annual $PM_{2.5}$ NAAQS. The Reading Area has attained the 1997 annual $PM_{2.5}$ NAAQS without any specific additional controls of NH_3 and VOC emissions from any sources in the Area.

Precursors in subpart 4 are specifically regulated under the provisions of section 189(e), which requires, with important exceptions, control requirements for major stationary sources of PM_{10} precursors.[9] Under subpart 1 and EPA's prior implementation rule, all major stationary sources of $PM_{2.5}$ precursors were subject to regulation, with the exception of NH_3 and VOC. Thus, EPA must address here whether additional controls of NH_3 and VOC from major stationary sources are required under section 189(e) of subpart 4 in order to redesignate the Area for the 1997 annual $PM_{2.5}$ NAAQS. As explained subsequently, we do not believe that any additional controls of NH_3 and VOC are required in the context of this redesignation.

In the General Preamble, EPA discusses its approach to implementing section 189(e). *See* 57 FR 13538–13542. With regard to precursor regulation under section 189(e), the General Preamble explicitly stated that control of VOC under other CAA requirements may suffice to relieve a state from the need to adopt precursor controls under section 189(e). *See* 57 FR 13542. EPA in this rulemaking action, proposes to determine that Pennsylvania's SIP has met the provisions of section 189(e) with respect to NH_3 and VOC as precursors. This proposed determination is based on our findings that: (1) The Reading Area contains no major stationary sources of NH_3, and (2) existing major stationary sources of VOC are adequately controlled under other provisions of the CAA regulating the ozone NAAQS.[10] In the alternative, EPA proposes to determine that, under the express exception provisions of section 189(e), and in the context of the redesignation of the Reading Area, which is attaining the 1997 annual $PM_{2.5}$ NAAQS, at present NH_3 and VOC precursors from major stationary sources do not contribute significantly to levels exceeding the 1997 annual $PM_{2.5}$ NAAQS in the Area. *See* 57 FR 13539–42.

EPA notes that its 1997 $PM_{2.5}$ Implementation Rule provisions in 40 CFR 51.1002 were not directed at evaluation of $PM_{2.5}$ precursors in the context of redesignation, but at SIP plans and control measures required to bring a nonattainment area into attainment of the 1997 annual $PM_{2.5}$ NAAQS. By contrast, redesignation to attainment primarily requires the nonattainment area to have already attained due to permanent and enforceable emission reductions, and to demonstrate that controls in place can continue to maintain the standard. Thus, even if we regard the D.C. Circuit Court's January 4, 2013 decision as calling for ''presumptive regulation'' of NH_3 and VOC for $PM_{2.5}$ under the attainment planning provisions of subpart 4, those provisions in and of themselves do not require additional controls of these precursors for an area that already qualifies for redesignation. Nor does EPA believe that requiring Pennsylvania to address precursors differently than it has already would result in a substantively different outcome.

Although, as EPA has emphasized, its consideration here of precursor requirements under subpart 4 is in the context of a redesignation to attainment, EPA's existing interpretation of subpart 4 requirements with respect to precursors in attainment plans for PM_{10} contemplates that states may develop attainment plans that regulate only those precursors that are necessary for purposes of attainment in the area in question, *i.e.,* states may determine that only certain precursors need be regulated for attainment and control purposes.[11] Courts have upheld this approach to the requirements of subpart 4 for PM_{10}.[12] EPA believes that application of this approach to $PM_{2.5}$ precursors under subpart 4 is reasonable. Because the Reading Area has already attained the 1997 annual $PM_{2.5}$ NAAQS with its current approach to regulation of $PM_{2.5}$ precursors, EPA believes that it is reasonable to conclude in the context of this redesignation that there is no need to revisit the attainment control strategy with respect to the treatment of precursors. Even if the D.C. Circuit Court's decision is construed to impose an obligation, in evaluating this redesignation request, to consider additional precursors under subpart 4, it would not affect EPA's approval here of Pennsylvania's request for redesignation of the Reading Area for the 1997 annual $PM_{2.5}$ NAAQS. In the context of a redesignation, the Area has shown that it has attained the standards. Moreover, Pennsylvania has shown and EPA has proposed to determine that attainment of the 1997 annual $PM_{2.5}$ NAAQS in this Area is due to permanent and enforceable emissions reductions on all precursors necessary to provide for continued attainment of the standard (*see* section V.A.3 of this rulemaking notice). It follows logically that no further control of additional precursors is necessary. Accordingly, EPA does not view the January 4, 2013 decision of the D.C. Circuit Court as precluding redesignation of the Reading Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS at this time. In summary, even if, prior to the date of the redesignation request submittal, Pennsylvania was required to address precursors for the Reading Area under subpart 4 rather than under subpart 1, as interpreted in EPA's remanded 1997 $PM_{2.5}$ Implementation Rule, EPA would still conclude that the Reading Area had met all applicable requirements for purposes of redesignation in accordance with section 107(d)(3(E)(ii) and (v) of the CAA.

V. EPA's Analysis of Pennsylvania's SIP Submittal

EPA is proposing several rulemaking actions for the Reading Area: (1) To redesignate the Area to attainment for

[9] Under either subpart 1 or subpart 4, for purposes of demonstrating attainment as expeditiously as practicable, a state is required to evaluate all economically and technologically feasible control measures for direct PM emissions and precursor emissions, and adopt those measures that are deemed reasonably available.

[10] The Reading Area has reduced VOC emissions through the implementation of various control programs including VOC Reasonably Available Control Technology (RACT) regulations and various on-road and non-road motor vehicle control programs.

[11] *See, e.g.,* ''Approval and Promulgation of Implementation Plans for California—San Joaquin Valley PM_{10} Nonattainment Area; Serious Area Plan for Nonattainment of the 24-Hour and Annual PM_{10} Standards,'' (69 FR 30006, May 26, 2004) (approving a PM_{10} attainment plan that impose controls on direct PM_{10} and NOx emissions and did not impose controls on SO_2, VOC, or NH_3 emissions).

[12] *See, e.g., Assoc. of Irritated Residents* v. *EPA et al.,* 423 F.3d 989 (9th Cir. 2005).

the 1997 annual $PM_{2.5}$ NAAQS; (2) to approve into the Pennsylvania SIP, the associated maintenance plan for the 1997 annual $PM_{2.5}$ NAAQS; and, (3) to approve the 2007 comprehensive emissions inventory into the Pennsylvania SIP to satisfy section 172(c)(3) of the CAA requirement for the Area, one of the criteria for redesignation. EPA's proposed approvals of the redesignation request and maintenance plan for the 1997 annual $PM_{2.5}$ NAAQS are based upon EPA's determination that the Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS, which EPA is proposing in this rulemaking action, and that all other redesignation criteria have been met for the Reading Area. In addition, EPA is proposing to approve the 2017 and 2025 MVEBs for Berks County, Pennsylvania, for transportation conformity purposes. The following is a description of how the Pennsylvania November 25, 2013 submittal satisfies the requirements of section 107(d)(3)(E) of the CAA for the 1997 annual $PM_{2.5}$ NAAQS.

A. Redesignation Request

1. Attainment

As noted previously, in the final rulemaking action dated July 29, 2011 (76 FR 45424), EPA determined that the Reading Area had attained the 1997 annual $PM_{2.5}$ NAAQS by its applicable attainment date. EPA based this determination of attainment upon complete, quality-assured and certified ambient air quality monitoring data for the period of 2006–2008 showing that the Area had attained the 1997 annual $PM_{2.5}$ NAAQS. Further discussion of pertinent air quality issues underlying this determination was provided in the July 29, 2011 final rulemaking action for EPA's determination of attainment for this Area.

Pennsylvania's redesignation request submittal includes the historic monitoring data for the annual $PM_{2.5}$ monitoring site in the Reading Area. The historic monitoring data shows that the Reading Area has attained and continues to attain the 1997 $PM_{2.5}$ NAAQS. PADEP assures that all $PM_{2.5}$ monitoring data for the Reading Area has been quality-assured, quality-controlled, and certified by the State in accordance with 40 CFR 58.10. Furthermore, EPA has reviewed the most recent ambient air quality $PM_{2.5}$ monitoring data for $PM_{2.5}$ in the Reading Area, as submitted by the Commonwealth and recorded in EPA's Air Quality System (AQS). Table 1 shows the $PM_{2.5}$ quality-assured, quality-controlled, and state-certified 2008–2013 air quality data which indicates that the Reading Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. *See* the AQS design value reports dated April 16, 2014 and October 8, 2014 included in the docket for this proposed rulemaking action.

TABLE 1—DESIGN VALUES IN THE READING AREA FOR THE 1997 ANNUAL $PM_{2.5}$ NAAQS FOR 2008 THROUGH 2013 ($\mu g/m^3$)

Monitor ID No.	2008–2010	2009–2011	2010–2012	2011–2013
420110011 (Reading Airport)	11.1	10.7	10.9	11.0

The Reading Area's recent monitoring data supports EPA's previous determinations that the Area has attained the 1997 annual $PM_{2.5}$ NAAQS. In addition, as discussed subsequently with respect to the Reading Area's maintenance plan, the Commonwealth has committed to continue monitoring ambient $PM_{2.5}$ concentrations in accordance with 40 CFR part 58. Thus, EPA is proposing to determine that the Reading Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS.

2. The Area Has Met All Applicable Requirements Under Section 110 and Subpart 1 of the CAA and Has a Fully Approved SIP Under Section 110(k) of the CAA

In accordance with section 107(d)(3)(E)(v) of the CAA, the SIP revisions for the 1997 annual $PM_{2.5}$ NAAQS for the Reading Area must be fully approved under section 110(k) of the CAA and all the requirements applicable to the Area under section 110 of the CAA (general SIP requirements) and part D of Title I of the CAA (SIP requirements for nonattainment areas) must be met.

a. Section 110 General SIP Requirements

Section 110(a)(2) of Title I of the CAA delineates the general requirements for a SIP, which include enforceable emissions limitations and other control measures, means, or techniques, provisions for the establishment and operation of appropriate devices necessary to collect data on ambient air quality, and programs to enforce the limitations. The general SIP elements and requirements set forth in section 110(a)(2) of the CAA include, but are not limited to, the following: (1) Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; (2) provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; (3) implementation of a source permit program; provisions for the implementation of Part C requirements (PSD); (4) provisions for the implementation of Part D requirements for NSR permit programs; (5) provisions for air pollution modeling; and, (6) provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) of the CAA requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address the interstate transport of air pollutants in accordance with the NO_X SIP Call (63 FR 57356, October 27, 1998), amendments to the NO_X SIP Call (64 FR 26298, May 14, 1999 and 65 FR 11222, March 2, 2000), and CAIR (70 FR 25162, May 12, 2005). However, section 110(a)(2)(D) of the CAA requirements for a state are not linked with a particular nonattainment area's designation and classification in that state. EPA believes that the requirements linked with a particular nonattainment area's designation and classifications are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state. Thus, EPA does not believe that these requirements are applicable requirements for purposes of redesignation.

In addition, EPA believes that the other section 110(a)(2) elements of the CAA not connected with nonattainment plan submissions and not linked with an area's attainment status are not applicable requirements for purposes of

redesignation. The Reading Area will still be subject to these requirements after it is redesignated. EPA concludes that section 110(a)(2) of the CAA and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request, and that section 110(a)(2) elements of the CAA not linked in the area's nonattainment status are not applicable for purposes of redesignation. This approach is consistent with EPA's existing policy on applicability of conformity (*i.e.,* for redesignations) and oxygenated fuels requirement. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174, October 10, 1996 and 62 FR 24826, May 7, 1997); Cleveland-Akron-Lorain, Ohio final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida final rulemaking (60 FR 62748, December 7, 1995). *See also* the discussion on this issue in the Cincinnati, Ohio redesignation (65 FR 37890, June 19, 2000) and in the Pittsburgh, Pennsylvania redesignation (66 FR 53099, October 19, 2001).

EPA has reviewed the Pennsylvania SIP and has concluded that it meets the general SIP requirements under section 110(a)(2) of the CAA to the extent they are applicable for purposes of redesignation. EPA has previously approved provisions of Pennsylvania's SIP addressing section 110(a)(2) requirements, including provisions addressing $PM_{2.5}$. *See* 76 FR 47062, August 4, 2011. These requirements are, however, statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Reading Area. Therefore, EPA believes that these SIP elements are not applicable requirements for purposes of review of Pennsylvania's $PM_{2.5}$ redesignation request.

b. Subpart 1 Requirements

Subpart 1 sets forth the basic nonattainment plan requirements applicable to $PM_{2.5}$ nonattainment areas. Under section 172 of the CAA, states with nonattainment areas must submit plans providing for timely attainment and meet a variety of other requirements. The General Preamble for Implementation of Title I discusses the evaluation of these requirements in the context of EPA's consideration of a redesignation request. The General Preamble sets forth EPA's view of applicable requirements for purposes of evaluating redesignation requests when an area is attaining the standard. *See* 57 FR 13498, April 16, 1992.

As noted previously, EPA has determined that the Reading Area has attained the 1997 annual $PM_{2.5}$ NAAQS. EPA's longstanding interpretation of the nonattainment planning requirements of section 172 is that once an area is attaining the NAAQS, those requirements are not ''applicable'' for purposes of CAA section 107(d)(3)(E)(ii) and, therefore, need not be approved into the SIP before EPA can redesignate the area. In the 1992 General Preamble for Implementation of Title I, EPA set forth its interpretation of applicable requirements for purposes of evaluating redesignation requests when an area is attaining a standard. *See* 57 FR 13498, 13564 (April 16, 1992). EPA noted that the requirements for reasonable further progress and other measures designed to provide for attainment do not apply in evaluating redesignation requests because those nonattainment planning requirements ''have no meaning'' for an area that has already attained the standard. *Id.* This interpretation was also set forth in the Calcagni Memorandum. EPA's understanding of section 172 also forms the basis of its Clean Data Policy, which was articulated with regard to $PM_{2.5}$ in 40 CFR 51.1004(c), and suspends a state's obligation to submit most of the attainment planning requirements that would otherwise apply, including an attainment demonstration and planning SIPs to provide for reasonable further progress (RFP), RACM, and contingency measures under section 172(c)(9).[13] Courts have upheld EPA's interpretation of section 172(c)(1)'s ''reasonably available'' control measures and control technology as meaning only those controls that advance attainment, which precludes the need to require additional measures where an area is already attaining. *NRDC* v. *EPA,* 571 F.3d 1245, 1252 (D.C. Cir. 2009); *Sierra Club* v. *EPA,* 294 F.3d 155, 162 (D.C. Cir. 2002); *Sierra Club* v. *EPA,* 314 F.3d 735, 744 (5th Cir. 2002).

Therefore, because attainment has been reached in the Reading Area, no additional measures are needed to provide for attainment, and section 172(c)(1) requirements for an attainment demonstration and RACM are no longer considered to be applicable for purposes of redesignation as long as the Area continues to attain the standard until redesignation. The section 172(c)(2) requirement that nonattainment plans contain provisions promoting reasonable further progress toward attainment is also not relevant for purposes of redesignation because EPA has determined that the Reading Area has monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS. In addition, because the Reading Area has attained the 1997 annual $PM_{2.5}$ NAAQS and is no longer subject to an RFP requirement, the requirement to submit the section 172(c)(9) contingency measures is not applicable for purposes of redesignation. Section 172(c)(6) requires the SIP to contain control measures necessary to provide for attainment of the NAAQS. Because attainment has been reached, no additional measures are needed to provide for attainment.

The requirement under section 172(c)(3) was not suspended by EPA's clean data determination for the 1997 annual $PM_{2.5}$ NAAQS, and is the only remaining requirement under section 172 of the CAA to be considered for purposes of redesignation of the Reading Area. Section 172(c)(3) of the CAA requires submission and approval of a comprehensive, accurate and current inventory of actual emissions. As part of Pennsylvania's redesignation request submittal, the Commonwealth submitted a 2007 base year emissions inventory for the Reading Area for the 1997 annual $PM_{2.5}$ NAAQS which includes emissions estimates that cover the general source categories of point sources, nonroad mobile sources, area sources, and on-road mobile sources. The pollutants that comprise the inventory are NO_X, SO_2, $PM_{2.5}$, VOC, and NH_3.

In this rulemaking action, EPA is proposing to approve the Reading Area 2007 base year emissions inventory in accordance with section 172(c)(3) of the CAA. Final approval of the 2007 base year emissions inventory will satisfy the emissions inventory requirement under section 172(c)(3) of the CAA. For more information on the development of the 2007 base year emissions inventory, *see* Appendix C of the Commonwealth's submittal, and, for information on EPA's analysis, *see* the emissions inventory technical support document (TSD) dated April 18, 2014, both available in the docket for this proposed rulemaking action. A summary of the 2007 base year emissions inventory is shown in Table 2.

[13] This regulation was promulgated as part of the 1997 $PM_{2.5}$ NAAQS implementation rule that was subsequently challenged and remanded in *NRDC* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013), as discussed in Section VI of this notice. However, the Clean Data Policy portion of the implementation rule was not at issue in that case.

TABLE 2—READING AREA 2007 EMISSIONS IN TONS PER YEAR (TPY) BY SOURCE SECTOR

Sector	$PM_{2.5}$	NO_X	SO_2	VOC	NH_3
Point	1,272	5,793	15,140	1,237	21
Area	1,859	1,289	2,389	5,877	3,632
Nonroad	383	11,374	81	4,415	163
Onroad	191	2,532	106	2,096	2
Total	3,704	20,988	17,716	13,625	3,818

Section 172(c)(4) of the CAA requires the identification and quantification of allowable emissions for major new and modified stationary sources in an area, and section 172(c)(5) of the CAA requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. EPA has determined that, since the PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a nonattainment NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994 entitled, ''Part D NSR Requirements for Areas Requesting Redesignation to Attainment.'' Nevertheless, Pennsylvania currently has an approved NSR program, codified in Pa. Chapter 127, Subchapter E. *See* 77 FR 41276, August 13, 2012 (approving NSR revisions into the SIP). However, Pennsylvania's PSD program for the 1997 annual $PM_{2.5}$ NAAQS will become effective in the Reading Area upon redesignation to attainment. *See* 49 FR 33128, August 21, 1984 (approving PSD program into the SIP).

Section 172(c)(7) of the CAA requires the SIP to meet the applicable provisions of section 110(a)(2) of the CAA. As noted previously, EPA believes the Pennsylvania SIP meets the requirements of section 110(a)(2) of the CAA that are applicable for purposes of redesignation. Section 175A of the CAA requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' In conjunction with its request to redesignate the Reading Area to attainment status, Pennsylvania submitted SIP revisions to provide for maintenance of the 1997 annual $PM_{2.5}$ NAAQS in the Area through 2025, which is at least 10 years after redesignation. Pennsylvania is requesting that EPA approve this SIP revision as meeting the requirement of section 175A of the CAA. Once approved, the maintenance plan for the Reading Area will ensure that the SIP for Pennsylvania meets the requirements of the CAA regarding maintenance of the 1997 annual $PM_{2.5}$ NAAQS for the Area. EPA's analysis of the maintenance plan is provided in subsection B of section V (Maintenance Plan) of today's proposed rulemaking action.

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that Federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects developed, funded or approved under Title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other Federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement and enforceability which EPA promulgated pursuant to its authority under the CAA. EPA approved Pennsylvania's transportation conformity SIP requirements on April 29, 2009 (74 FR 19541). Thus, for purposes of redesignating the Reading Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS, EPA determines that upon final approval of the 2007 comprehensive emissions inventory as proposed in this rulemaking action, the Reading Area will meet all applicable SIP requirements under part D of Title I of the CAA for purposes of redesignating the Area to attainment.

c. Pennsylvania Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

Upon final approval of the 2007 comprehensive emissions inventory proposed in this rulemaking action, EPA will have fully SIP-approved all applicable requirements of the Pennsylvania SIP for the Area for purposes of redesignaton to attainment for the 1997 annual $PM_{2.5}$ NAAQS in accordance with section 110(k) of the CAA. As noted above, in this rulemaking action, EPA is proposing to approve the Reading Area 2007 emissions inventory (submitted as part of its maintenance plan) as meeting the requirement of section 172(c)(3) of the CAA for the 1997 annual $PM_{2.5}$ NAAQS. Therefore, upon final approval of the 2007 emissions inventory, EPA will have satisfied all applicable requirements under part D of Title I of the CAA for the Reading Area.

3. Permanent and Enforceable Reductions in Emissions

For redesignating a nonattainment area to attainment, section 107(d)(3)(E)(iii) of the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable reductions. In making this demonstration, Pennsylvania has calculated the change in emissions between 2002, one of the years used to designate the Area as nonattainment, and 2007, one of the years the Area monitored attainment, as shown in Table 3.

TABLE 3—EMISSION REDUCTIONS FROM 2002 BASE YEAR TO 2007 ATTAINMENT YEAR IN THE READING AREA (TPY)

Sector	2002	2007	Decrease
$PM_{2.5}$:			
Stationary Point	577	1,272	−695
Area	2,608	1,859	750
Onroad	459	383	77
Nonroad	212	191	22
Total	3,856	3,705	154
NO_X:			
Stationary Point	5,363	5,793	−431
Area	1,502	1,289	213
Onroad	14,922	11,374	3,548
Nonroad	3,323	2,532	791
Total	26,110	21,988	4,121
SO_2:			
Stationary Point	14,834	15,140	−305
Area	2,131	2,389	−258
Onroad	306	81	225
Nonroad	242	106	136
Total	17,513	17,716	−202
VOC:			
Stationary Point	1,740	1,237	503
Area	8,819	5,877	2,942
Onroad	5,237	4,415	823
Nonroad	2,331	2,096	235
Total	18,127	13,625	4,203
NH_3:			
Stationary Point	9	21	−11
Area	4,284	3,632	651
Onroad	180	163	17
Nonroad	2	2	0
Total	4,475	3,818	1,314

It should be noted that the 2002 inventory for $PM_{2.5}$ did not include condensible emissions for many stationary point sources in the Commonwealth, and that the 2007 inventory was later augmented to include calculated condensible emissions for EGUs, resulting in an apparent increase of $PM_{2.5}$ emissions in 2007 for stationary point source emissions. Similarly, emissions of NO_X and SO_2 for stationary and area sources show small increases in 2007. Nevertheless, the Area was able to attain the standard during the time period that included 2007, as decreases in other precursors more than compensated for any increases.

The reduction in emissions and the corresponding improvement in air quality from 2002 to 2007 in the Reading Area can be attributed to a number of regulatory control measures that have been implemented in the Area and contributing areas in recent years. For more information on EPA's analysis of the 2002 and 2007 emissions inventory, see EPA's emissions inventory TSD dated April 18, 2014, available in the docket for this proposed rulemaking action.

a. Federal Measures Implemented

Reductions in $PM_{2.5}$ precursor emissions have occurred statewide and in upwind states as a result of Federal emission control measures, with additional emission reductions expected to occur in the future. Data collected from EPA's long-term national air quality and deposition monitoring networks show that these regional cap-and-trade programs have been effective in reducing emissions of SO_2 and NO_X nationwide.[14]

[14] Clean Air Interstate Rule, Acid Rain Program, and Former NO_X Budget Trading Program, 2012 Progress Report (December 2013), available at *http://www.epa.gov/airmarkets/progress/ARPCAIR_12_downloads/ARPCAIR12_01.pdf;* Clean Air Interstate Rule, Acid Rain Program, and Former NO_X Budget Trading Program, 2012 Progress Report (May 2014), available at *http://www.epa.gov/airmarkets/progress/ARPCAIR_12_downloads/ARPCAIR12_02.pdf.*

NO_X SIP Call

On October 27, 1998 (63 FR 57356), EPA issued the NO_X SIP Call requiring the District of Columbia and 22 states to reduce emissions of NO_X, a precursor to ozone pollution.[15] Affected states were required to comply with Phase I of the SIP Call beginning in 2004 and Phase II beginning in 2007. Emission reductions resulting from regulations developed in response to the NO_X SIP Call are permanent and enforceable. By imposing an emissions cap regionally, the NO_X SIP Call reduced NO_X emissions from large EGUs and large non-EGUs such as industrial boilers, internal combustion engines, and cement kilns. In response to the NO_X SIP Call, Pennsylvania adopted its NO_X Budget Trading Program regulations for EGUs and large industrial boilers, with emission reductions starting in May

[15] Although the NO_X SIP Call was issued in order to address ozone pollution, reductions of NO_X as a result of that program have also impacted $PM_{2.5}$ pollution, for which NO_X is also a precursor emission.

2003. Pennsylvania's NO_X Budget Trading Program regulation was approved into the Pennsylvania SIP on August 21, 2001 (66 FR 43795). To meet other requirements of the NO_X SIP Call, Pennsylvania adopted NO_X control regulations for cement plants and internal combustion engines, with emission reductions starting in May 2005. These regulations were approved into the Pennsylvania SIP on September 29, 2006 (71 FR 57428).

CAIR

As previously noted, CAIR (70 FR 25162, May 12, 2005) created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 27 eastern states, including Pennsylvania. EPA approved the Commonwealth's CAIR regulation, codified in 25 Pa. Code Chapter 145, Subchapter D, into the Pennsylvania SIP on December 10, 2009 (74 FR 65446). In 2009, the CAIR ozone season NO_X trading program superseded the NO_X Budget Trading Program, although the emission reduction obligations of the NO_X SIP Call were not rescinded. *See* 40 CFR 51.121(r) and 51.123(aa). As of this proposal, CAIR remains in the Pennsylvania SIP. However, EPA promulgated CSAPR to replace CAIR as an emission trading program for EGUs. As discussed previously, pursuant to the D.C. Circuit's October 23, 2014 Order, the stay of CSAPR has been lifted and implementation of CSAPR will commence in January 2015. EPA expects that the implementation of CSAPR will preserve the reductions achieved by CAIR and result in additional SO_2 and NO_X emission reductions throughout the maintenance period

Tier 2 Emission Standards for Vehicles and Gasoline Sulfur Standards

These emission control requirements result in lower NO_X emissions from new cars and light duty trucks, including sport utility vehicles. The Federal rules were phased in between 2004 and 2009. EPA estimated that, after phasing in the new requirements, the following vehicle NO_X emission reductions will have occurred nationwide: Passenger cars (light duty vehicles) (77 percent); light duty trucks, minivans, and sports utility vehicles (86 percent); and larger sports utility vehicles, vans, and heavier trucks (69 to 95 percent). Some of the emissions reductions resulting from new vehicle standards occurred during the 2008–2010 attainment period; however, additional reductions will continue to occur throughout the maintenance period as new vehicles replace older vehicles. EPA expects fleet wide average emissions to decline by similar percentages as new vehicles replace older vehicles.

Heavy-Duty Diesel Engine Rule

EPA issued the Heavy-Duty Diesel Engine Rule in July 2000. This rule included standards limiting the sulfur content of diesel fuel, which went into effect in 2004. A second phase took effect in 2007 which reduced $PM_{2.5}$ emissions from heavy-duty highway engines and further reduced the highway diesel fuel sulfur content to 15 ppm. Standards for gasoline engines were phased in starting in 2008. The total program is estimated to achieve a 90 percent reduction in direct $PM_{2.5}$ emissions and a 95 percent reduction in NO_X emissions for new engines using low sulfur diesel fuel.

Nonroad Diesel Rule

On June 29, 2004 (69 FR 38958), EPA promulgated the Nonroad Diesel Rule for large nonroad diesel engines, such as those used in construction, agriculture, and mining, to be phased in between 2008 and 2014. The rule phased in requirements for reducing the sulfur content of diesel used in nonroad diesel engines. The reduction in sulfur content prevents damage to the more advanced emission control systems needed to meet the engine standards. It will also reduce fine particulate emissions from diesel engines. The combined engine standards and the sulfur in fuel reductions will reduce NO_X and PM emissions from large nonroad engines by over 90%, compared to current nonroad engines using higher sulfur content diesel.

Nonroad Large Spark-Ignition Engine and Recreational Engine Standards

In November 2002, EPA promulgated emission standards for groups of previously unregulated nonroad engines. These engines include large spark-ignition engines such as those used in forklifts and airport ground-service equipment; recreational vehicles using spark-ignition engines such as off-highway motorcycles, all-terrain vehicles, and snowmobiles; and recreational marine diesel engines. Emission standards from large spark-ignition engines were implemented in two tiers, with Tier 1 starting in 2004 and Tier 2 starting in 2007. Recreational vehicle emission standards are being phased in from 2006 through 2012. Marine Diesel engine standards were phased in from 2006 through 2009. With full implementation of all of the nonroad spark-ignition engine and recreational engine standards, an overall 80 percent reduction in NO_X are expected by 2020. Some of these emission reductions occurred by the 2002–2007 attainment period and additional emission reductions will occur during the maintenance period as the fleet turns over.

Federal Standards for Hazardous Air Pollutants

As required by the CAA, EPA developed Maximum Available Control Technology (MACT) Standards to regulate emissions of hazardous air pollutants from a published list of industrial sources referred to as ''source categories.'' The MACT standards have been adopted and incorporated by reference in Section 6.6 of Pennsylvania's Air Pollution Control Act and implementing regulations in 25 Pa. Code § 127.35 and are also included in Federally enforceable permits issued by PADEP for affected sources. The Industrial/Commercial/Institutional (ICI) Boiler MACT standards (69 FR 55217, September 13, 2004, and 76 FR 15554, February 21, 2011) are estimated to reduce emissions of PM, SO_2, and VOCs from major source boilers and process heaters nationwide. Also, the Reciprocating Internal Combustion Engines (RICE) MACT will reduce NO_X and PM emissions from engines located at facilities such as pipeline compressor stations, chemical and manufacturing plants, and power plants.

b. State Measures

Heavy-Duty Diesel Emissions Control Program

In 2002, Pennsylvania adopted the Heavy-Duty Diesel Emissions Control Program for model years starting in May 2004. The program incorporates California standards by reference and required model year 2005 and beyond heavy-duty diesel highway engines to be certified to the California standards, which were more stringent than the Federal standards for model years 2005 and 2006. After model year 2006, Pennsylvania required implementation of the Federal standards that applied to model years 2007 and beyond, discussed in the Federal measures section of this proposed rulemaking action. This program results in reduced emissions of NO_X statewide.

Vehicle Emission Inspection/Maintenance (I/M) program

Pennsylvania's Vehicle Emission I/M program was expanded into the Reading Area in early 2004, and applies to model year 1975 and newer gasoline-powered vehicles that are 9,000 pounds and under. The program, approved into the Pennsylvania SIP on October 6, 2005 (70 FR 58313), consists of annual on-board diagnostics and gas cap test for model

year 1996 vehicles and newer, and an annual visual inspection of pollution control devices and gas cap test for model year 1995 vehicles and older. This program reduces emissions of NO_X from affected vehicles.

Consumer Products Regulation

Pennsylvania regulation ''Chapter 130, Subchapter B. Consumer Products'' established VOC emission limits [effective January 1, 2005] for numerous categories of consumer products, and applies statewide to any person who sells, supplies, offers for sale, or manufactures such consumer products on or after January 1, 2005 for use in Pennsylvania. It was approved into the Pennsylvania SIP on December 8, 2004 (69 FR 70895).

Based on the information summarized above, Pennsylvania has adequately demonstrated that the improvement in air quality in the Reading Area is due to permanent and enforceable emissions reductions. The reductions result from Federal and State requirements and regulation of precursors within Pennsylvania that affect the Reading Area.

B. Maintenance Plan

On November 25, 2013, PADEP submitted a maintenance plan for the Reading Area for the 1997 annual $PM_{2.5}$ NAAQS as required by section 175A of the CAA. EPA's analysis for proposing approval of the maintenance plan is provided in this section.

1. Attainment Emissions Inventory

Section 172(c)(3) requires states to submit a comprehensive, accurate, current inventory of actual emissions from all sources in the nonattainment area. For a maintenance plan, states are required to submit an inventory to identify the level of emissions in the area which is sufficient to attain the NAAQS, referred to as the attainment inventory (or the maintenance plan base year inventory), and which should be based on actual emissions. PADEP submitted an attainment inventory for 2007, one of the years in the period during which the Reading Area monitored attainment of the 1997 annual $PM_{2.5}$ standard, comprised of NO_X, $PM_{2.5}$, SO_2, VOC, and NH_3 emissions from point sources, nonpoint sources, onroad mobile sources, and nonroad mobile sources.

The 2007 point source inventory contained emissions for EGU and non-EGU sources in Berks County that were directly reported by the facilities. Since the reported emissions did not include condensible emissions, the EGU inventory was augmented to account for condensibles by application of emission factors developed for the Mid-Atlantic Regional Air Management Association (MARAMA) in 2008.

The nonpoint source emissions inventory for 2007 was developed using 2007 specific activity data along with EPA emission factors and the most recently available emission calculation methodologies. PADEP used 2008 National Emissions Inventory (NEI) data to fill in any missing categories in the 2007 inventory.

For 2007 nonroad mobile sources, PADEP generated emissions using EPA's National Mobile Inventory Model (NMIM) 2008 model. Since marine, air and rail/locomotive (MAR) emissions are not part of the NONROAD model, they were calculated separately outside of the NONROAD model.

The 2007 onroad mobile source inventory was developed using EPA's highway mobile source emissions model MOVES2010. PADEP used local acivity to replace default inputs in the model where appropriate.

EPA has reviewed the documentation provided by PADEP and found the 2007 emissions inventory acceptable for meeting the requirements under section 172(c)(3). For more information on the emissions inventories submitted by PADEP for the Reading Area and EPA's analysis of the inventories, *see* Appendix B of the Commonwealth's submittal and see also EPA's TSD dated April 18, 2014, both of which are available in the docket for this proposed rulemaking action.

2. Maintenance Demonstration

Section 175A requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' EPA has interpreted this as a showing of maintenance ''for a period of ten years following redesignation.'' Where the emissions inventory method of showing maintenance is used, its purpose is to show that emissions during the maintenance period will not increase over the attainment year inventory. *See* 1992 Calcagni Memorandum, pages 9–10.

For a demonstration of maintenance, emissions inventories are required to be projected to future dates to assess the influence of future growth and controls; however, the maintenance demonstration need not be based on modeling. *See Wall* v. *EPA, supra; Sierra Club* v. *EPA, supra. See also* 66 FR 53099–53100; 68 FR 25430–32. PADEP uses projection inventories to show that the Area will remain in attainment and developed projection inventories for an interim year of 2017 and a maintenance plan end year of 2025 to show that future emissions of NO_X, SO_2, VOC, and $PM_{2.5}$ will remain at or below the attainment year 2007 emissions levels throughout the Area through the year 2025. Although emissions of NH_3 are projected to increase from 2007 to 2017 and from 2007 to 2025, the increase will not affect the Area's ability to maintain the standard because such increases are more than compensated by the significant reductions of the other precursors that are projected during the maintenance period.

The Federal and State measures described in Section V.A.3. of this proposed rulemaking action demonstrate that the reductions in emissions from point, area, and mobile sources in the Area have occurred and will continue to occur through 2025. In addition, the following State and Federal regulations and programs ensure the continuing decline of SO_2, NO_X, $PM_{2.5}$, and VOC emissions in the Area during the maintenance period and beyond:

Non-EGUs previously covered under the NOx SIP Call

Pennsylvania established NO_X emission limits for the large industrial boilers that were previously subject to the NO_X SIP Call, but were not subject to CAIR. For these units, Pennsylvania established an allowable ozone season NO_X limit based on the unit's previous ozone season's heat input. A combined NO_X ozone season emissions cap of 3,418 tons applies for all of these units.

Regulation of Cement Kilns

On July 19, 2011 (76 FR 52558), EPA approved amendments to 25 Pa. Code Chapter 145 Subchapter C to further reduce NO_X emissions from cement kilns. The amendments established NO_X emission rate limits for long wet kilns, long dry kilns, and preheater and precalciner kilns that are lower by 35% to 63% from the previous limit of 6 pounds of NO_X per ton of clinker that applied to all kilns. The amendments became effective on April 15, 2011.

Stationary Source VOC Regulations

Pennsylvania regulation 25 Pa. Code Chapter 130, Subchapter D for Adhesives, Sealers, Primers, and Solvents was approved into the Pennsylvania SIP on September 26, 2012 (77 FR 59090). The regulation established VOC content limits for various categories of adhesives, sealants, primers, and solvent, and became applicable on January 1, 2012.

Amendments to Pennsylvania regulation 25 Pa. Code Chapter 130, Subchapter B established, effective January 1, 2009, new or more stringent VOC standards for consumer products. The amendments were approved into the Pennsylvania SIP on October 18, 2010 (75 FR 63717).

Pennsylvania's Clean Vehicle Program

The Pennsylvania Clean Vehicles Program (formerly, New Motor Vehicle Control Program) incorporates by reference the California Low Emission Vehicle program (CA LEVII), although it allowed automakers to comply with the National Low Emission Vehicle (NLEV) program as an alternative to this program until Model Year (MY) 2006. The Clean Vehicles Program, codified in 25 Pa. Code Chapter 126, Subchapter D, was modified to require CA LEVII to apply to MY 2008 and beyond, and was approved into the Pennsylvania SIP on January 24, 2012 (77 FR 3386). The Clean Vehicles Program incorporates by reference the emission control standards of CA LEVII, which, among other requirements, reduces emissions of NO_X by requiring that passenger car emission standards and fleet average emission standards also apply to light duty vehicles. Model year 2008 and newer passenger cars and light duty trucks are required to be certified for emissions by the California Air Resource Board (CARB), in order to be sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired, received, titled or registered in Pennsylvania. In addition, manufacturers are required to demonstrate that the California fleet average standard is met based on the number of new light-duty vehicles delivered for sale in the Commonwealth. The Commonwealth's submittal for the January 24, 2012 rulemaking projected that, by 2025, the program will achieve almost 40 tons more NO_X reductions than Tier II for the counties in the Reading Area.

Two Pennsylvania regulations—Diesel-Powered Motor Vehicle Idling Act (approved into the Pennsylvania SIP on August 1, 2011, *See* 76 FR 45705) and Outdoor Wood-Fired Boiler regulation (approved into the Pennsylvania SIP on September 20, 2011, *see* 76 FR 58114)—were not included in the projection inventories, but may also assist in maintaining the 1997 annual $PM_{2.5}$ NAAQS. Also, EPA's Tier 3 Motor Vehicle Emission and Fuel Standards (*See* 79 FR 23414, April 28, 2014) establishes more stringent vehicle emissions standards and will reduce the sulfur content of gasoline beginning in 2017. This fuel standard will achieve NO_X reductions by further increasing the effectiveness of vehicle emission controls for both existing and new vehicles. Finally, with the lifting of the CSAPR stay by the DC Circuit Court on October 23, 3014, the implementation of CSAPR will preserve the reductions achieved by CAIR and will achieve additional emission reductions in the Area from upwind states.

The projection inventories for the 2017 and 2025 point, area, and nonroad sources were taken from regional inventories coordinated by MARAMA for the states in the Mid-Atlantic/Northeast Visibility Union and Virginia (MANE–VU+VA), which includes Pennsylvania. Detailed discussion of how 2017 and 2025 projections were developed are contained in Appendix C–2 and C–3, respectively, of the Commonwealth's submittal. EPA has reviewed the documentation provided by PADEP and found the methodologies acceptable.

EPA has determined that the 2017 and 2025 projected emissions inventories provided by PADEP are approvable. For detailed information on the projected inventories, see Appendices A–3, B–3, D–2, and E–3 of the State submittal, and for more information on EPA's analysis of the emissions inventory, *see* EPA's TSD dated April 18, 2014, both of which are available in the docket for this proposed rulemaking action. Table 4 provides a summary of the inventories for the 2007 attainment year, as compared to the projected inventories for the 2017 interim year and the 2025 maintenance plan end year for the Area.

TABLE 4—COMPARISION OF 2007 ATTAINMENT YEAR INVENTORY WITH 2017 AND 2025 PROJECTED EMISSIONS IN THE READING AREA (TPY)

	2007	2017	2025	Reductions 2007–2017	Reductions 2007–2025
$PM_{2.5}$	3,704	3,307	3,215	397	489
NO_X	20,988	12,386	10,186	8,602	10,802
SO_2	17,716	15,567	15,908	2,149	1,808
VOC	13,625	10,697	9,692	2,928	3,933
NH_3	3,818	4,119	4,368	−301	−550

As shown in Table 4, the projected levels of $PM_{2.5}$, NO_X, SO_2, and VOC are under the 2007 attainment year levels for each of these pollutants. While the emissions of NH_3 are projected to be higher than the 2007 inventory for this pollutant for both the interim year and the end-year, the decreases in the other precursors, particularly the significant reductions in NO_X, more than compensate for the increase, therefore, the increase in NH_3 is not considered to affect the Area's ability to maintain the NAAQS. The projected emissions inventories show that the Area will continue to maintain the 1997 annual $PM_{2.5}$ NAAQS during the 10 year maintenance period. Moreover, the modeling analysis conducted for the Regulatory Impact Analysis (RIA) for the 2012 $PM_{2.5}$ NAAQS indicates that the annual $PM_{2.5}$ design value for this Area is expected to continue to decline through 2020. Given the significant decrease in overall precursor emissions projected through 2025, it is reasonable to conclude that monitored $PM_{2.5}$ levels in this area will also continue to decrease through 2025.

3. Monitoring Network

Pennsylvania currently operates one $PM_{2.5}$ monitor in the Reading Area, which is located at the Reading Airport. The Reading Area maintenance plan includes a commitment by PADEP to continue to operate its EPA-approved monitoring network, as necessary to demonstrate ongoing compliance with the NAAQS. In its November 25, 2013 maintenance plan submittal, PADEP states that it will consult with EPA prior to making any necessary changes to the network and will continue to quality assure the monitoring data in accordance with the requirements of 40 CFR part 58.

4. Verification of Continued Attainment

To provide for tracking of the emission levels in the Area, PADEP requires major point sources to submit air emissions information annually and prepares a new periodic inventory for

all $PM_{2.5}$ precursors every three years in accordance with EPA's Air Emissions Reporting Requirements (AERR). Emissions information will be compared to the attainment year inventory (2007) to assure continued attainment with the 1997 annual $PM_{2.5}$ NAAQS and will be used to assess emissions trends, as necessary. Also, as noted in the previous subsection, PADEP will continue to operate its monitoring system in accordance with 40 CFR part 58 and remains obligated to quality-assure monitoring data and enter all data into the AQS in accordance with federal requirements. PADEP will use this data, supplemented with additional data, as necessary, to assure continuing attainment of the 1997 annual $PM_{2.5}$ NAAQS in the Area.

5. Contingency Measures

The contingency plan provisions for maintenance plans are designed to promptly correct a violation of the NAAQS that occurs after redesignation. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to ensure that a state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the events that would ''trigger'' the adoption and implementation of a contingency measure(s), the contingency measure(s) that would be adopted and implemented, and the schedule indicating the time frame by which the state would adopt and implement the measure(s).

The Reading maintenance plan includes a commitment by Pennsylvania to adopt and expeditiously implement necessary corrective actions in the event of a violation of the NAAQS, or in the event of certain triggers. The maintenance plan describes the procedures and schedule for the adoption and implementation of contingency measures to reduce emissions should an exceedance or a violation occur, and consists of a first level response and a second level response.

A first level response is triggered when the annual mean $PM_{2.5}$ concentration exceeds 15.5 $\mu g/m^3$ in a single calendar year within the Reading Area, or if the periodic emissions inventory for the Reading Area exceeds the attainment year inventory by more than ten percent. The first level response will consist of a study to determine if the emissions trends show increasing concentrations of $PM_{2.5}$, and whether this trend is likely to continue. If it is determined through the study that action is necessary to reverse a trend of emissions increases, Pennsylvania will, as expeditiously as possible, implement necessary and appropriate control measures to reverse the trend.

A second level response will be prompted if the two-year average of the annual mean concentration exceeds 15.0 $\mu g/m^3$ within the Area. This would trigger an evaluation of the conditions causing the exceedance, whether additional emission control measures should be implemented to prevent a violation of the standard, and analysis of potential measures that could be implemented to prevent a violation. Pennsylvania would then begin its adoption process to implement the measures as expeditiously as practicable.

Pennsylvania's candidate contingency measures include the following: (1) A regulation based on the Ozone Transport Commission (OTC) Model Rule to update requirements for consumer products; (2) a regulation based on the Control Techniques Guidelines (CTG) for industrial cleaning solvents; (3) voluntary diesel projects such as diesel retrofit for public or private local onroad or offroad fleets, idling reduction technology for Class 2 yard locomotives, and idling reduction technologies or strategies for truck stops, warehouses, and other freight-handling facilities; (4) promotion of accelerated turnover of lawn and garden equipment, focusing on commercial equipment; and, (5) promotion of alternative fuels for fleets, home heating and agricultural use. The Commonwealth's rulemaking process and schedule for adoption and implementation of any necessary contingency measure is shown in the plan as being 18 months from PADEP's receipt of approval to initiate rulemaking.

For all of the reasons discussed in this section, EPA is proposing to approve Pennsylvania's 1997 annual $PM_{2.5}$ maintenance plan for the Reading Area as meeting the requirements of section 175A of the CAA.

C. Transportation Conformity

Section 176(c) of the CAA requires Federal actions in nonattainment and maintenance areas to ''conform to'' the goals of SIPs. This means that such actions will not cause or contribute to violations of a NAAQS, worsen the severity of an existing violation, or delay timely attainment of any NAAQS or any interim milestone. Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the transportation conformity rule (40 CFR part 93, subpart A). Under this rule, metropolitan planning organizations (MPOs) in nonattainment and maintenance areas coordinate with state air quality and transportation agencies, EPA, and the FHWA and FTA to demonstrate that their long range transportation plans and transportation improvement programs (TIP) conform to applicable SIPs. This is typically determined by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the MVEBs contained in the SIP.

On November 25, 2013, Pennsylvania submitted a SIP revision that contains the 2017 and 2025 $PM_{2.5}$ and NO_X onroad mobile source budgets for the Reading Area comprised of Berks County, Pennsylvania. Pennsylvania did not provide emission budgets for SO_2, VOC, and NH_3 because it concluded, consistent with the presumptions regarding these precursors in the Transportation Conformity Rule at 40 CFR 93.102(b)(2)(v), which predated and was not disturbed by the litigation on the 1997 $PM_{2.5}$ Implementation Rule, that emissions of these precursors from motor vehicles are not significant contributors to the Area's $PM_{2.5}$ air quality problem. EPA issued conformity regulations to implement the 1997 annual $PM_{2.5}$ NAAQS in July 2004 and May 2005 (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005). Those actions were not part of the final 1997 $PM_{2.5}$ Implementation Rule remanded to EPA by the D.C. Circuit Court in *NRDC* v. *EPA,* No. 08–1250 (January 4, 2013), because the Court concluded that EPA must implement that NAAQS pursuant to the PM-specific implementation provisions of subpart 4, rather than solely under the general provisions of subpart 1. That decision does not affect EPA's proposed approval of the MVEBs for the Reading Area. The MVEBs are presented in Table 5.

TABLE 5—MVEBS FOR BERKS COUNTY, PENNSYLVANIA FOR THE 1997 $PM_{2.5}$ NAAQS (TPY)

Year	$PMPM_{2.5}$	NO_X
2017	200	5,739
2025	146	3,719

EPA's substantive criteria for determining adequacy of MVEBs are set out in 40 CFR 93.118(e)(4). Additionally, to approve the MVEBs, EPA must complete a thorough review of the SIP, in this case the $PM_{2.5}$ maintenance plan, and conclude that with the projected level of motor vehicle

and all other emissions, the SIP will achieve its overall purpose, in this case providing for maintenance of the 1997 annual $PM_{2.5}$ NAAQS. EPA's process for determining adequacy of a MVEB consists of three basic steps: (1) Providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the MVEB during a public comment period; and, (3) EPA taking action on the MVEB.

EPA has reviewed the MVEBs and found them consistent with the maintenance plan and that the budgets meet the criteria for adequacy and approval. Therefore, EPA is proposing to approve as well as find adequate the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for Berks County for transportation conformity purposes. Additional information pertaining to the review of the MVEBs can be found in the TSD dated April 29, 2014, available on line at *www.regulations.gov,* Docket ID No. EPA–R03–OAR–2014–0147. Any comments relating to EPA's proposal to approve as well as find adequate the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for Berks County for transportation conformity purposes, as submitted by Pennsylvania, should be submitted in response to this notice of proposed rulemaking.

VI. Proposed Actions

EPA is proposing to approve the request submitted by Pennsylvania to redesignate the Reading Area from nonattainment to attainment for the 1997 annual $PM_{2.5}$ NAAQS. EPA has evaluated the Commonwealth's redesignation request and determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. The monitoring data demonstrates that the Reading Area has attained the 1997 annual $PM_{2.5}$ NAAQS, and, for the reasons discussed previously, that it will continue to attain the NAAQS. EPA is also proposing to approve the maintenance plan for the Reading Area as a revision to the Pennsylvania SIP because it meets the requirements of section 175A of the CAA as described previously in this proposed rulemaking notice. In addition, EPA is proposing to approve the 2007 base year emissions inventory as meeting the requirements of section 172(a)(3) of the CAA. Furthermore, EPA is proposing to approve as well as find adequate the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs submitted by Pennsylvania for Berks County for transportation purposes. Final approval of the redesignation request would change the designation of Reading Area from nonattainment to attainment for the 1997 $PM_{2.5}$ annual NAAQS. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

VII. 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 proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

In addition, this rule proposing to approve Pennsylvania's redesignation request, maintenance plan, 2007 base year emissions inventory, and MVEBs for transportation conformity purposes for the Reading Area for the 1997 annual $PM_{2.5}$ NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects

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.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: December 4, 2014.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–29777 Filed 12–18–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 98

[EPA–HQ–OAR–2014–0831; FRL–9920–82–OAR]

RIN 2060–AS37

Greenhouse Gas Reporting Rule: 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems

AGENCY: Environmental Protection Agency.

ACTION: Change in date for public hearing.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a change in date for the public hearing for the proposed rule titled ''Greenhouse Gas Reporting Program: 2015 Revision and Confidentiality Determinations for Petroleum and Natural Gas Systems''. The original public hearing date was December 24, 2014, and the new public hearing date will be January 8, 2015.

DATES: The public comment period for this proposal began on December 9, 2014 (79 FR 73148) with the opportunity for a public hearing 15 days later on December 24, 2014. This notice announces that the public hearing date has been changed to January 8, 2015. Public comments for this proposal are due February 9, 2015.

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 questions or details about the public hearing, please see 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.*

SUPPLEMENTARY INFORMATION:

Worldwide Web (WWW)

In addition to being available in the docket, an electronic copy of today's notice will also be available through the WWW. Following signature, a copy of this action will be posted on the EPA's greenhouse gas reporting rule Web site at *http://www.epa.gov/ghgreporting/index.html.*

Background on Today's Action

In this action, the EPA is providing notice that the public hearing date for the proposed rule titled ''Greenhouse Gas Reporting Program: 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems'' has changed. That proposal was published on December 9, 2014, and the previous date for a public hearing, if requested, was 15 days later on December 24, 2014. On December 15, 2014, the EPA received a request for a public hearing along with a request to move the date of the public hearing to accommodate holiday vacation schedules. The EPA is moving the date of the public hearing from December 24, 2014 to January 8, 2015 in response to this request. The comment period for this proposal is unchanged. Public comments for this proposal are due February 9, 2015.

List of Subjects in 40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Reporting and recordkeeping requirements.

Dated: December 16, 2014.

Sarah Dunham,

Director, Office of Atmospheric Programs.

[FR Doc. 2014–29867 Filed 12–19–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 22

[WT Docket No. 12–40; RM Nos. 11510 and 11660; FCC 14–181]

FCC Seeks Comment on Cellular Service Reform of Licensing and Technical Rules, Including Power Limits

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission proposes and seeks comment on reforms of its rules governing the 800 MHz Cellular (''Cellular'') Service. The proposals include a geographic-based discontinuance of operations rule to replace the current site-based approach, and the establishment of frequency coordinators to review certain applications prior to their submission to the Commission. In addition, the Commission proposes revised Cellular radiated power provisions and related technical rules, including use of a power spectral density (''PSD'') model. The goals of the proposed reforms are to provide licensees with increased flexibility, achieve greater efficiency in the provision of new service to consumers, and facilitate deployment of next-generation wireless broadband networks that use advanced technologies.

DATES: Submit comments on or before January 21, 2015 and reply comments on or before February 20, 2015.

ADDRESSES: You may submit comments, identified by WT Docket No. 12–40, by any of the following methods:

- Federal Communications Commission's Web site: *http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- Mail: 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. 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: 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.

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: Nina Shafran, Mobility Division, Wireless Telecommunications Bureau, (202) 418–2781, TTY (202) 418–7233, or *nina.shafran@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Further Notice of Proposed Rulemaking (''FNPRM'') in WT Docket No. 12–40, RM Nos. 11510 and 11660, FCC 14–181, adopted November 7, 2014, and released November 10, 2014. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, (202)488–5300, facsimile (202) 488–5563, or via email at *fcc@bcpiweb.com.* The full text may also be downloaded at: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db1110/FCC-14-181A1.pdf.* Alternative formats are available to persons with disabilities by sending an email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Comment Filing Instructions

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 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, May 1, 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. Parties should only file in WT Docket No. 12–40.

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 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.
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- 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).

Synopsis of the Further Notice of Proposed Rulemaking

I. Introduction

1. In this document, the Commission proposes and seeks comment on several additional reforms of the Cellular Service to establish a more flexible and efficient licensing approach and to facilitate the use of more advanced wireless technologies, as explained in detail in the sections below. The Commission also invites comment on the costs and benefits of all the proposals discussed herein.

II. Permanent Discontinuance of Operations

2. The Commission proposes and seeks comment on a new rule governing the permanent discontinuance of operations, which is intended to afford licensees operational flexibility to use their spectrum efficiently while ensuring that spectrum does not lay idle for extended periods. Under 47 CFR 1.955(a)(3), an authorization will automatically terminate, without specific Commission action, if service is ''permanently discontinued.'' The current § 22.317 of the Commission's rules (47 CFR 22.317) applicable to part 22 Public Mobile Services stations, including Cellular Service stations, defines permanent discontinuance as the failure to provide service to subscribers for 90 continuous days (up to 120 continuous days with an extension). If a Cellular site is permanently discontinued under § 22.317, the licensee's Cellular Geographic Service Area (''CGSA'') is modified accordingly to reflect the reduction in licensed area. Through *ex parte* letters, a coalition of associations—CTIA, the Rural Wireless Association (''RWA''), and the National Telecommunications Cooperative Association (''NTCA'') (collectively, the ''Coalition'')—proposes that a Cellular licensee should be required to file to report a reduction in service area only when it's ''actual coverage area drops below 50 percent of its coverage area . . . for more than 12 months.''

3. Consistent with its approach in recent proceedings involving other flexible commercial wireless services, notably certain Advanced Wireless Services (''AWS'') bands and the 600 MHz band, the Commission now proposes a new Cellular Service-specific rule, § 22.947 (47 CFR 22.947), defining permanent discontinuance as 180 consecutive days during which the licensee does not operate or, in the case of a Cellular commercial mobile radio service (''CMRS'') provider, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier. The Commission also proposes to revise § 22.317 to make it clear that it would no longer apply to the Cellular Service. As in the Commission's proceedings concerning the rules governing other flexibly licensed wireless services (*e.g.,* AWS–3 and 600 MHz), the Commission's proposed new definition recognizes that, while most Cellular licensees use their systems to provide CMRS offerings, flexibility is needed where Cellular licensees use their systems for private, internal communications because such licensees generally do not provide service to unaffiliated subscribers. The Commission seeks comment on all aspects of this proposal.

4. The Commission also proposes that the new service discontinuance rule be applied to the entire geographic license area, *i.e.,* the CGSA, rather than individual cell sites. Affording Cellular licensees a discontinuance of service period longer than 90 (or 120) days, and applying it on a geographic license area basis, might better enable them to implement technology upgrades involving reconfiguration and possible relocation of cell sites and other network elements. Following the effective date of the new discontinuance rule adopted in this proceeding, a Cellular system not in operation or not providing service within the CGSA to at least one unaffiliated subscriber for the defined permanent discontinuance period—180 consecutive days under our proposal—would terminate automatically.

5. If an Unserved Area application is filed by a new entrant and granted for a new Cellular system (versus an incumbent's CGSA expansion) in compliance with the Commission's applicable rules, the Commission proposes that the new Cellular system licensee would not be subject to the proposed 180-day permanent discontinuance rule until the expiration of the one-year construction period for that system (including extensions, if any), so as not to penalize new entrants that choose to operate and provide service early in their construction periods.

6. In addition, consistent with 47 CFR 1.955(a)(3), the Commission proposes that, if a Cellular licensee permanently discontinues service, the licensee must notify the Commission of the discontinuance within 10 days by filing FCC Form 601 so that the Commission can update its Universal Licensing System (''ULS'') to reflect the cancellation for the entire CGSA. The license would automatically terminate without specific Commission action if service is permanently discontinued, even if the licensee fails to file the required FCC Form.

7. The Commission tentatively concludes that the approach described above increases licensee flexibility and serves the public interest, and seeks comment on all aspects of the proposal, including the associated costs and benefits. Also, comment is invited on the alternative advocated by the Coalition and on any additional alternatives not discussed in this FNPRM, including the expected costs and benefits and how it would better serve the public interest.

III. Frequency Coordinators

A. Introduction and Background

8. The Commission also proposes and seeks comment on requiring that frequency coordinators perform review of new-system and CGSA-expansion applications in the Cellular Service, pursuant to a new proposed rule (47 CFR 22.985), as it tentatively concludes that frequency coordination will result in authorizing Cellular service more efficiently and effectively. The Commission proposes to require that frequency coordinators perform the first-line review of Cellular applications, including exhibits and attachments such

as the electronic map files, for CGSA expansions and new Cellular systems, and to advise the Wireless Telecommunications Bureau (''Bureau'') on whether, in the coordinator's assessment, these applications comply with applicable Commission rules. Many Cellular applications contain inaccuracies, even when resubmitted after return by Bureau staff for correction, and errors delay service and also needlessly consume Commission resources. The Commission tentatively concludes that having frequency coordinators review certain major applications under the new Cellular licensing paradigm would further advance the goal of better focusing limited Commission staff resources.

9. Frequency coordination in other wireless services generally involves third parties who advise the Commission on whether potential or actual licensees' proposed operations comply with the applicable technical rules of a particular service, while also working to minimize interference to licensees operating in a given frequency block, band, or geographic area. Depending on the service, they may recommend restrictions to appear on licenses and comment on other technical issues in applications. In services with multiple frequency coordinators, the Commission often requires a frequency coordinator to notify and transmit certain information to other coordinators certified to coordinate in the affected frequency(ies). A prominent example is in the part 90 Private Land Mobile Radio (''PLMR'') Service, including the 806–824/851–869 MHz and 896–901/935–940 MHz bands that are adjacent to the Cellular band. The Commission has recognized the value of PLMR frequency advisory committees since the 1950s, and by the late 1980s, the Commission had mandated the use of private frequency coordinators for most PLMR frequencies. Frequency coordination also is used in a variety of other wireless services, such as certain part 80 maritime and part 87 aviation frequencies, in which frequency coordinators must consider interference to all other similar frequencies within a specific geographic range. More recently, the Commission decided to require the use of frequency coordinators for licensees operating in the part 95 WMTS and Medical Device Radiocommunication Service (''MedRadio'').

10. In its November 2013 *ex parte* letter, the Coalition suggests that, if the Commission opts to use frequency coordination for the Cellular Service, it should give the designated coordinators full authority to approve applications. This would include, the Coalition asserts, authorization of proposed CGSA-expansions, and that such authorizations ''would become effective 30 days after the frequency coordinator notifies'' the Commission. By this FNPRM, the Commission seeks comment generally on the use of Cellular frequency coordinators, and specifically on the details of our proposal outlined below. However, in light of a federal court decision, *USTA* v. *FCC,* 359 F.3d 554 (D.C. Cir. 2004), the Commission does not seek comment on the suggestion to delegate authority to coordinators to grant applications. We especially urge all parties that preliminarily determine they would be interested in being frequency coordinators to indicate such interest during the comment or reply comment period.

11. All commenters should be specific and detailed, and should review the proposed new rule in Appendix B of this FNPRM and comment on its wording. To the extent commenters offer alternative ideas not considered herein, they should explain how such alternatives would better serve the public interest and achieve the Commission's goals, consistent with Commission precedent and current spectrum management policies.

B. Coordinator Duties

12. In the Report and Order released November 10, 2014 in this proceeding ('R&O''), the Commission eliminated the need for many different types of Cellular applications. Of the applications that will continue to be filed, the Commission proposes to require the use of Cellular frequency coordinators to review the following: (1) Major modification applications claiming at least 50 contiguous square miles of Unserved Area as CGSA; and (2) applications seeking authorization for new Cellular systems. Under this proposal, all other applications, including construction notifications and renewal applications, for example, would continue to be filed directly with the Commission. The Commission further proposes, however, that to the extent such other filings are submitted with a CGSA-expansion or new-system application, those other filings would also need to be filed with a Cellular frequency coordinator for initial review. For example, an application that modifies and/or adds a location requiring an Environmental Assessment, which normally would come directly to the Commission, would have to be submitted to a frequency coordinator if such application is filed along with a CGSA-expansion or new-system application. Using frequency coordinators in this manner could greatly assist in developing and managing the Cellular spectrum.

13. The Commission proposes that Cellular frequency coordinators be private organizations certified by the Commission to review certain categories of applications (as outlined above), including any exhibits, FCC Form Schedules, and electronic maps required with those applications, to ensure compliance with all rules applicable to the Cellular Service. Cellular coordinators would review only applicable technical information for compliance with the rules; they would not, for example, review an applicant's financial or ownership information that may accompany or be linked in an application. Frequency coordinators would work with the applicants to resolve any inaccuracies involving technical information, including the service area boundary (''SAB'') and CGSA calculations, ensure compliance with all applicable rules, and submit the application to the Commission. Consistent with rules governing frequency coordination in other wireless services, the Commission proposes that the frequency coordinators' recommendations be purely advisory, not binding on either the applicant or the Commission. However, the Commission proposes that, in the event of a dispute between an applicant and a frequency coordinator, an applicant would be able to direct the coordinator to submit the application at issue to the Commission without the coordinator's recommendation. In that event, the application would need to explain that the applicant sought frequency coordination but the coordinator did not recommend the proposed operations. The Commission proposes that the applicant have the burden of proceeding and the burden of proof in requesting the Commission to grant its application notwithstanding a coordinator's unfavorable recommendation.

14. Part 90 PLMR frequency coordinators are required to file applications electronically using the ULS electronic batch format. The Commission seeks comment on whether Cellular frequency coordinators should be subject to the same requirement. The Commission also seeks comment on what preparations the Commission would have to make before implementing a frequency coordination regime, such as modifying ULS to accommodate frequency coordinator information and receive electronic batch filing of the applications, including any maps submitted electronically, and

educating the frequency coordinators. The Commission seeks comment also on whether Cellular frequency coordinators should have additional duties. Commenters are invited to address all these issues surrounding the appropriate duties of frequency coordinators for the Cellular Service and they should indicate how their positions serve the public interest, including a cost-benefit analysis.

C. Commission's Continued Role

15. If it appears that a Cellular frequency coordinator's performance is inconsistent with the public interest obligations that would be imposed on it through this proceeding, an inquiry would be initiated that could lead to its decertification, as with other wireless services for which frequency coordinators are used. The Commission would also continue to maintain the Cellular license data, including the online CGSA map files. Given that frequency coordinator recommendations are proposed to be advisory and not binding upon either the applicant or the Commission, we envision that Cellular applications would continue to go on public notice once received by the Commission and that the Commission would resolve competing applications and petitions to deny, if any.

16. Many part 90 PLMR applicants that undergo frequency coordination receive conditional authority; that is, they are permitted to commence their proposed operations once the application has been favorably reviewed and submitted by a frequency coordinator and is pending before the Commission. In that situation, a minimum wait time of ten days is imposed between submission of the application and the onset of operation, during which the Commission can evaluate the proposed operations, including the frequency coordinator's recommendation, and take adverse action if necessary. The Commission seeks comment on whether Cellular applicants should receive similar conditional operating authority while their applications are pending before the Commission. Making conditional authorization available following the frequency coordinator's recommendation—if the Commission does not find a problem with the recommendation—could provide flexibility to Cellular applicants and benefit consumers by permitting more rapid deployment of proposed service. Commenters are invited specifically to address whether sound administrative principles support permitting conditional operation before the 30-day public comment period ends, and whether it should continue even if a competing application or petition to deny is filed.

17. In addition, the Commission proposes to oversee the Cellular frequency coordinators and their processes on an ongoing basis, and to work to resolve disputes that cannot be resolved between an applicant and frequency coordinator. The Commission seeks comment on the circumstances under which the Commission should become involved in such a dispute, and the timing. Should the Commission specify a reasonable timeframe, *e.g.,* 60 days following the frequency coordinator's recommendation to the applicant, during which the applicant and the frequency coordinator are to endeavor in good faith to resolve the matter before appealing to the Commission? Once the dispute is brought before the Commission, what procedures are appropriate for Commission staff to resolve the dispute? The Commission seeks comment on all aspects of the continued role for the Commission.

D. Number of Coordinators and Fees

18. In 1997, the Commission generally permitted certain frequency coordinators in the PLMR Industrial/Business Pool band below 512 MHz to coordinate any frequency in the pool, thus ending exclusive frequency coordination and allowing competition among coordinators on certain frequencies. The Bureau subsequently introduced competitive coordination to other part 90 PLMR bands. The introduction of competition among coordinators was intended to promote lower coordination costs for applicants and foster better service to the public, and it has accomplished this purpose. Consequently, the Commission proposes to authorize multiple frequency coordinators for the Cellular Service.

19. If there are multiple Cellular frequency coordinators, the Commission proposes that they have notification requirements similar to those for part 90 PLMR frequency coordinators. In particular, a Cellular frequency coordinator would be required to notify other Cellular frequency coordinators within one business day of making a coordination recommendation and on any day when it does not make a recommendation. At a minimum, the notification would include the following information: Name of the applicant; type of application at issue; license (call sign) of the applicant (if applicable); CMA description and channel block of the existing license (if applicable); CMA designator(s) and channel block pertaining to where the applicant is expanding its CGSA or starting a new system; new or modified transmitter location(s) along with coordinates and the antenna height; effective radiated power, antenna center of radiation height above average terrain, height above sea level or height above mean sea level, and distance to the SAB and to the CGSA for the eight radials of each new/modified location; and date and time of the recommendation. Upon request, the notifying frequency coordinator would provide any additional information requested by another certified coordinator regarding a Cellular application already reviewed by the notifying coordinator but still pending before the Commission.

20. Under the Commission's proposal, it would be the responsibility of each Cellular frequency coordinator to ensure that its recommendations do not conflict with the recommendations of any other Cellular frequency coordinator. Should a conflict arise, the affected coordinators would be jointly responsible for taking action to resolve the conflict, up to and including notifying the Commission that an application may have to be returned. The Commission seeks comment on the proposed notification process, including what information should be provided to coordinators with each notification, and the timing of notifications.

21. The Commission also invites commenters, including parties that at least preliminarily have an interest in being a frequency coordinator candidate, to address whether the market for Cellular frequency coordination is likely to support multiple entities, as well as whether they perceive any problems in allowing more than one frequency coordinator for the Cellular Service.

22. *Fees.* Because the Commission proposes to have multiple coordinators, the Commission proposes that market forces determine the Cellular frequency coordinators' fees, rather than have the Commission regulate fees. Given that the Commission would continue to process and act on the reviewed applications, as proposed above, applicants would continue to pay Commission application fees (and also regulatory fees). Should the Commission adopt a pricing scheme for the frequency coordinators? If so, what should it be, and how would such an approach better serve the public interest? What are the costs and benefits of a particular scheme? If there is only one frequency coordinator, should the Commission regulate the coordinator fees?

23. The Commission seeks comment on its proposal to certify more than one

frequency coordinator and to allow market forces to govern coordinators' processing fees. Commenters should include an analysis of the costs and benefits of whatever proposal they advocate.

E. Coordinator Certification Criteria and Selection Process

24. The Commission proposes that, at a minimum, Cellular frequency coordinators must have the following qualifications: knowledge of the Cellular Unserved Area licensing process (as revised by the companion R&O in this proceeding); ability to register and maintain application information and transmit such information to ULS; technical capability to review applicants' proposed licensing areas to determine compliance with all rules and procedures applicable to the Cellular Service; and both ability and willingness to develop procedures to work with Cellular applicants, which includes offering coordination services on a non-discriminatory basis and responding to applicant requests or concerns on a timely basis. The Commission also expects that the frequency coordinators would not have a conflict of interest when reviewing applications (or can show that any pre-existing conflict of interest has been resolved). Although we do not propose at this time to require that the coordinators be national in scope and representative of all eligible Cellular licensees, the Commission expresses strong preference for those characteristics.

25. Permitting current Cellular applicants or licensees to serve as frequency coordinators—either for themselves or for other applicants—could run counter to the public interest and undermine the goals of the proposal. As discussed above, a key goal is to have frequency coordinators resolve the high volume of inaccuracies in Cellular applications so that new service is not delayed, and also so that Commission staff resources are no longer needed for repeated review and return of such filings. The Commission expects that frequency coordinators specifically dedicated to this task would ensure that applications are accurate and compliant with Commission requirements prior to submitting them to the Commission. Furthermore, having a current Cellular applicant or licensee as a frequency coordinator would increase the likelihood of a conflict of interest—a problem the Commission wishes to avoid, as it could delay the processing of Cellular applications contrary to the goal to expedite new service. Therefore, the Commission proposes to make Cellular licensees ineligible to be certified as Cellular frequency coordinators. The Commission seeks comment on the proposal to not certify Cellular frequency coordinators that are current or prospective Cellular Service licensees. The Commission also seeks comment on whether a current Cellular applicant or licensee's agent (*e.g.,* a law firm or a consulting engineering firm), and affiliates of Cellular licensees and applicants, should also be prohibited from serving as a frequency coordinator. If not, how would potential conflicts of interest be resolved? Also, if the Commission decides not to certify affiliates of Cellular licensees and applicants as frequency coordinators, the Commission invites comment on how to define ''affiliate'' in this context. In particular, the Commission invites comment on whether the definition of affiliate used for purposes of determining whether an auction participant is a ''designated entity'' could also be used in this context.

26. Under 47 CFR 0.131(m), the Bureau has delegated authority to certify frequency coordinators for the services that it administers, including the Cellular Service. The Commission proposes that, pursuant to this delegated authority, the Bureau would select the Cellular frequency coordinators using the same procedures that were adopted for WMTS and MBANs. Accordingly, in the event that the Commission ultimately adopts rules establishing the use of frequency coordinators for the Cellular Service, the Commission would direct the Bureau to issue a Public Notice announcing procedures for interested parties to submit requests to become coordinators. Thereafter, the Bureau would be directed to issue an Order to designate the coordinators and execute a Memorandum of Understanding (''MOU'') with those selected. The MOU would set forth the coordinators' authority and responsibilities. The frequency coordinators would assume their duties upon execution of the MOU. The Commission seeks comment on whether this process, which worked well for selecting the WMTS coordinator, would permit the Commission to complete the coordinator selection process in a timely and efficient manner. The Commission seeks comment on all aspects of the frequency coordination certification and selection criteria.

IV. Radiated Power Limit Rules for the Cellular Service

A. Introduction and Background

27. In this Section of the FNPRM, the Commission considers changes to the Cellular radiated power limits and related technical rules under the following specific topics: Power spectral density (''PSD''); power flux density (''PFD''); technological neutrality for field strength limits; height-power limit; mobile transmitters and auxiliary test transmitters; and power measurement. (For the purpose of this proceeding, PFD is the amount of radio frequency energy or power that would be present over a given unit of area (*e.g.,* 100 microwatts per square meter). Therefore, PFD can be used to describe the strength of signals on the ground in a given location.) The Commission also addresses coordination requirements, including international coordination, and the SAB formula set forth in § 22.911 of the Commission's rules. The Commission takes this action with a goal of implementing technology neutral rules that allow licensees to choose technologies based upon their deployment plans without being hindered by an unnecessarily restrictive rule. The Commission also strives for regulatory parity among competing services with consideration of unique circumstances for the band at issue that may require special requirements to prevent interference.

28. The Commission seeks comment on its proposals and those of the commenters as discussed herein; it also invites alternative ideas and proposals concerning the Cellular power rules and related provisions. The Commission encourages public safety entities at the local, regional, and national levels to submit their comments on revising the rules to permit all Cellular licensees nationwide to use, at their option, a PSD model. It asks that all commenters be specific, detailed, and include pertinent engineering data and technical analyses. To the extent commenters advocate an alternative or modification, they should include an explanation of the public interest benefits of such alternative or modification, and comment on the economic costs and benefits of the various possible approaches. All interested parties should also review and comment on the proposed rules in Appendix B of this FNPRM, including definitions. Alternative wording should be provided with comments that advocate additions or modifications to our proposals.

29. In a Petition for Rulemaking filed by AT&T Services, Inc. on behalf of AT&T, Inc. and its subsidiaries

(''AT&T''), AT&T seeks specifically to modify § 22.913 (47 CFR 22.913) to permit effective radiated power (''ERP'') measurement in terms of PSD, with limits of 250 watts (''W'') per MHz in non-rural areas and 500 W/MHz in rural areas. In response to a Public Notice released by the Bureau seeking comment on AT&T's Petition, interested parties filed comments and reply comments, generally supporting a PSD model as an option for ERP measurement, although some expressed concerns or proposed modifications, as discussed below. AT&T also filed a request for interim waiver of § 22.913 to use a PSD model for certain Cellular stations in Florida, and subsequently filed a request for interim waiver to use the PSD model for certain Cellular operations in Vermont. The Bureau sought comment on them, and in the docket concerning the Florida PSD Waiver Request (WT Docket No. 13–202), several Florida public safety and critical infrastructure entities submitted comments; no public safety entities commented regarding the Vermont PSD Waiver Request (WT Docket No. 14–107).

30. In 2007 and 2008, the Commission revised the radiated power rules for several other wireless services, implementing a PSD model (among other related technical rule modifications), but declined at that time to revise the Cellular ERP rules, primarily because of significant restructuring (800 MHz rebanding) ongoing in the immediately adjacent frequencies, which are used by public safety entities, and also because of a lack of industry support and the need for more time to assess the potential impact of using the PSD model in the Cellular band. Ultimately, the rebanding process will move public safety and other narrowband land mobile operations away from the Cellular and high-density ESMR base station transmitting frequencies, thereby reducing the potential for interference between incompatible services. However, in some parts of the country, the rebanding process is not completed and public safety operations continue using frequencies adjacent to the lower edge of the Cellular base station transmitting band at 869 MHz. Further, even after rebanding is accomplished in a region, some public safety entities may continue to use legacy radios that could be susceptible to Cellular base station interference because the filtering of the radio does not reflect the post-rebanding channel plan for public safety operations. The rebanding proceeding outlined the circumstances where legacy devices would be entitled to interference resolution procedures and also created information exchange procedures so public safety licensees could be notified of new or modified ESMR and Cellular base station activities.

B. PSD Proposal for Non-rural and Rural Areas

31. Based on the preliminary record, and consistent with the Commission's prior revisions to, or newly adopted power rules for, other wireless services, the Commission proposes to revise § 22.913 to permit measurement of base transmitter and Cellular repeater power using a PSD model. The goals are to promote spectral efficiency and provide licensees with flexibility to select the technology that best suits their needs, whether narrowband or wideband, and increase harmonization of the Commission's rules across commercial wireless services to the extent practicable, taking into account the unique features of each service band. At the same time, the Commission is mindful of the need to protect systems in the immediately adjacent bands, particularly public safety operations. The Commission seeks comment in the Sections below on various options to achieve its goals.

32. In considering a PSD model as an option for Cellular licensees deploying wideband technologies, the Commission discusses below and seeks comment on the following three proposals to develop a better record for determining what the appropriate PSD limits should be:

- AT&T's proposal of 250 W/MHz ERP in non-rural areas, 500 W/MHz ERP in rural areas;
- Union Wireless's proposal of 500 W/MHz ERP in non-rural areas, 1000 W/MHz in rural areas; and
- Verizon Wireless's proposal of 1000 W/MHz ERP in non-rural areas, 2000 W/MHz in rural areas.

The Commission also seeks comment on alternatives not considered in this FNPRM. Each of the proposals listed above specifies power limits that would supplement the current Cellular ERP limits of 500 W in non-rural areas and 1000 W in rural areas. The distinction is that the current limits apply to each emission or channel, so that a licensee using narrow emissions can transmit more total power per MHz than a licensee using wideband emissions. For example, under the current rules, a Cellular licensee using a 5 MHz LTE emission in a non-rural area would be limited to 500 W in those 5 MHz (100 W/MHz), while a licensee in the same 5 MHz could deploy four CDMA channels with an aggregate power of 2000 W ERP (400 W/MHz), or 12 GSM channels with an aggregate power of 6000 W ERP (1200 W/MHz). (This assumes that the licensee is deploying 4 CDMA channels in 5 MHz (4×500 W = 2000 W), or using every other GSM channel in 5 MHz for a total of 12 channels (12×500 W = 6000 W).)

33. In support of AT&T's proposal, its Petition includes a study that purports to show that shifting to PSD-based power limits would create an interference environment that is ''not appreciably different from that of existing Cellular deployments'' and which, according to AT&T, is even better in some cases. AT&T states that the study looked at five different technological cases, including GSM, Universal Mobile Telecommunications System (''UMTS''), and LTE systems in various configurations in the Cellular band. According to AT&T, the study shows that deployments of 2X2 Multiple Input Multiple Output (''MIMO'') LTE—using the PSD model with the limits advocated by AT&T—would maintain the status quo with respect to the potential interference impacts on adjacent services, and in particular, the Public Safety Services.

34. Broadpoint, LLC d/b/a Cellular One, Cincinnati Bell Wireless LLC, NE Colorado Cellular, Inc., Smith Bagley, Inc., and Union Telephone Company d/b/a Union Wireless (''Union Wireless'') (collectively, the ''GSM Licensees''), which own and operate GSM/EDGE Cellular networks, argue that imposing AT&T's proposed PSD limits on carriers using such technologies would result in reducing their existing coverage, with a dramatic increase in roaming costs for customers or loss of signal altogether. One of the GSM Licensees, Union Wireless, adds that the revised rule should articulate measurement in terms of effective isotropically radiated power (''EIRP''), just as for certain other wireless services, including the Broadband Personal Communications Service (''PCS''). Specifically, it argues that carriers operating with less than 1 MHz of bandwidth should be permitted up to 820 W EIRP in non-rural areas, 1640 W EIRP in rural areas (equivalent to the current 500 W ERP and 1000 W ERP limit, respectively), and that corresponding PSD limits for carriers operating with more than 1 MHz of bandwidth should be 820 W/MHz EIRP non-rural, 1640 W/MHz EIRP rural (equivalent to 500 W/MHz ERP and 1000 W/MHz ERP, respectively). Bluegrass Cellular, Inc. and Affiliates d/b/a Bluegrass Wireless (collectively, ''Bluegrass''), which is a CDMA carrier, contends that AT&T's proposal would cause stronger signals into Bluegrass

markets, thereby increasing the noise level, and that carriers like Bluegrass need a sufficient transition period to renegotiate SAB extension agreements to prevent harmful interference. CTO supports a rulemaking to ensure equity among commercial licensees in different bands, but also expresses concern about the fiscal impact of changes in licensing rules on the budgets of public safety entities. In its reply comments, AT&T emphasizes that it seeks only to supplement the rule to permit carriers to use whichever model is better suited to their circumstances, and that, at the PSD limits AT&T advocates, the power injected into Bluegrass's receivers in adjacent areas or co-located sites remains the same.

35. Verizon Wireless argues that PSD limits should be added to the rule at significantly higher levels, mirroring the limits set for the 700 MHz Services: 1000 W/MHz for non-rural areas, and 2000 W/MHz for rural areas, for stations transmitting on bandwidths greater than 1 MHz. For stations transmitting on bandwidths of 1 MHz or less, Verizon Wireless argues that the Commission should either retain the current ERP limits as an option, or adopt maximum power limits of 1000 W and 2000 W for non-rural and rural areas, respectively. According to Verizon Wireless, the limits proposed in the Petition will negatively impact both coverage and capacity, putting Cellular licensees that deploy broadband technologies at a significant disadvantage compared to carriers deploying such technologies in other service bands, especially in rural areas. Verizon Wireless argues that the Commission should also adopt a PFD limit (discussed in the next Section below).

36. Several Florida public safety entities submitted *ex parte* letters regarding AT&T's Florida PSD Waiver Request in WT Docket No. 13–202. They expressed a number of concerns, arguing that the technical study submitted by AT&T infers a burden on public safety licensees to incorporate new radios or additional filtering, that using a PSD model will result in a significant increase in power from AT&T, causing harmful interference to radio systems with multiple police users from federal, state, county, city, and Tribal organizations, that AT&T should conduct testing, and alleging increased costs for public safety licensees if a PSD model is adopted, not only in terms of dollars for new radio purchases, but also in terms of extra weight and size of the radios used, reduced sensitivity, and potential operational burdens.

37. AT&T then sought and was granted an experimental special temporary authorization to conduct testing using a PSD model in Florida. Taking into account the results of the testing, as documented in *ex parte* letters submitted by AT&T and Miami-Dade County, the Bureau recently granted the Florida PSD Waiver Request in part, conditioned on compliance with new rules that may be adopted in this rulemaking proceeding and subject to certain operational conditions to prevent harmful interference. (*See* DA 14–1419 in WT Docket No. 13–202.) In addition, the Bureau granted the Vermont PSD Waiver Request, similarly conditioned, also noting the absence of public safety entities with licensed base stations in the Burlington, VT CMA. (*See* DA 14–1418 in WT Docket No. 14–107.)

38. The Commission proposes to keep the current base station ERP limits (applied per channel or emission bandwidth) for those licensees that use technologies incompatible with a PSD ERP model (applied per MHz of channel or emission bandwidth), and also provide power flexibility to deploy wideband technologies. The Commission tentatively concludes that a PSD ERP model—as an option—would better accommodate newer technologies employing wider bandwidths, notably LTE, by establishing ERP caps per units of 1 MHz of an emission's bandwidth rather than capping the ERP per each emission bandwidth. To minimize adverse effects on licensees operating with GSM and CDMA technologies in the Cellular band, the Commission proposes to permit licensees using narrowband technologies to comply with the current limits of 500 W ERP per emission in non-rural areas and 1000 W ERP per emission in rural areas. Maintaining the existing power limits as an option would allow licensees to continue to operate as currently deployed, and would prevent potential power reductions for non-wideband technologies (*e.g.,* GSM and CDMA) if a lower PSD limit is applied. (For example, a licensee deploying CDMA technology transmitting a signal with a bandwidth of 1.25 MHz could employ a power level of 500 W ERP under the legacy limit; alternatively, in a 250 W/MHz scenario, the same licensee would have a maximum power level of 312.5 W ERP in 1.25 MHz bandwidth.) The Commission seeks comment on this approach. The Commission also seeks comment on whether there is a need to increase Cellular power levels consistent with other services (*e.g.,* the 700 MHz Services rules impose a limit of 1000 W ERP for emissions less than one MHz in non-rural areas, and 2000 W ERP for emissions less than one MHz in rural areas), or whether the current limits are sufficient. If insufficient, what new limits would be the most appropriate for per-emission Cellular transmissions in rural and non-rural markets, respectively? The Commission also seeks comment on updating the terminology in the rule. Specifically, should the 500 W ERP be applied per channel, per channel bandwidth, per occupied bandwidth, or some other emission description? All commenters addressing this issue should support their arguments with technical showings.

39. Verizon Wireless recommends applying a PSD limit only to Cellular base stations transmitting emissions greater than 1 MHz. The Commission does not propose any such bandwidth dividing line for the purposes of applying PSD in the Cellular Service because it could disadvantage certain carriers. For example, a licensee using a 1.25 MHz CDMA technology would currently be permitted to use 500 W ERP across that channel, but under a 250 W/MHz PSD requirement, that licensee would have to lower its power and reduce service coverage. The Commission invites comment on its proposal not to establish a bandwidth dividing line and on its assumption regarding the potential effect of such a dividing line on certain licensees.

40. AT&T's PSD proposal (250 W/MHz in non-rural areas and 500 W/MHz in rural areas) would provide Cellular licensees with less power than other current CMRS providers, potentially placing Cellular licensees at a competitive disadvantage. Cellular licensees deploying LTE base stations might, as a result, have less reliable coverage, necessitating deployment of more base stations at a greater expense, and might have a difficult time supplementing existing service with Cellular spectrum because of the power discrepancy. This option would allow an LTE 5 MHz emission a total of 1250 W ERP; however, the power would be spread across a wider bandwidth and unlikely in our view to present increased interference potential to other services. Under the current rules, a Cellular licensee using the same 5 MHz could deploy four CDMA channels with an aggregate power of 2000 W ERP, or 12 GSM channels with an aggregate power of 6000 W ERP. The Commission seeks comment on all aspects of the AT&T PSD proposal, including the adequacy of the proposal to allow the full potential of wideband modulation schemes and services that Cellular licensees may wish to provide, and also

the potential to cause interference to other services.

41. Next, the Commission seeks comment on Verizon Wireless's proposal to adopt PSD limits similar to those adopted for upper 700 MHz licensees (1000 W/MHz in non-rural areas and 2000 W/MHz in rural areas), with a PFD limit to minimize the interference potential on the ground within one kilometer of a base station. The proposal would provide power consistent with certain other CMRS bands, thereby allowing Cellular licensees to compete on a level playing field and also allowing CMRS licensees holding both Cellular and other CMRS spectrum to deploy base stations with an expectation that they could achieve consistent and reliable coverage across different service bands. The increased power does, however, come with an increased risk of potential interference to adjacent public safety operations that have not gone through rebanding or that use radios less capable of filtering out emissions from Cellular base stations. As discussed in more detail below in the next section, Verizon Wireless contends that the increased PSD limits paired with a PFD limit would address the increased interference potential around the base station, and the Commission seeks comment on Verizon Wireless's proposal, its adequacy to address the needs of Cellular licensees seeking to deploy wideband technologies, and its potential to cause interference to public safety operations or any other licensees in adjacent markets or service bands.

42. Further, the Commission seeks comment on whether the interference resolution provisions adopted in the rebanding proceeding allow us to adopt Cellular power rules consistent with other CMRS bands with the assurance that any unacceptable interference that does occur will be appropriately addressed pursuant to §§ 22.970 through 22.973 of our rules. Finally, the Commission seeks comment on other commenters' PSD approaches, including the proposal by Union Wireless, which specifies power in terms of EIRP and proposes power limits of 820 W/MHz EIRP for non-rural and 1640 W/MHz EIRP for rural areas.

43. The Commission also proposes to allow the doubling of the PSD limit in rural counties, as in other CMRS bands. The Commission seeks comment on this proposal and also on whether the Commission should adopt a staggered power limit, whereby the licensee would operate at the suggested AT&T limits (250 W/MHz in non-rural areas and 500 W/MHz in rural areas) if narrowband land mobile operations exist in adjacent spectrum, and at higher power limits after such entities are rebanded to a new location. The Commission also seeks comment on how base station power limits should be applied in the deployment of base stations. That is, should the limit be applied per emission or channel, per transmitter, per sector, or for the entire base station, and how is this application affected by MIMO antenna configurations? For example, if a licensee uses 2x2 or 4x4 MIMO, should it be forced to divide its power accordingly?

44. The Commission seeks comment on all aspects of its proposals and others on the record, and also invites commenters to submit alternative proposals and ideas that would advance the goals to provide power flexibility, ensure parity among competing or complementary services, and safeguard spectral compatibility with licensees in adjacent markets and adjacent bands. The Commission reiterates that commenters should provide engineering data and technical analysis as well as specific wording for the applicable rules to support their showings, particularly if advocating alternatives not discussed in this FNPRM.

C. Power Flux Density

45. Verizon Wireless argues that the Commission should adopt a PFD limit to mitigate the potential for interference around Cellular base station transmitters, particularly to public safety operations. According to Verizon Wireless, PFD limits permit the licensee to aim the signal away from the ground, limit signal strength in close proximity to the base station, and allow licensees to operate at greater power levels without sacrificing protection. It further contends that the PFD limit applicable to the upper 700 MHz band is appropriate for the Cellular band and that, with PSD limits of 1000 W/MHz non-rural and 2000 W/MHz rural, the PFD that would be produced by such stations through a combination of antenna height and vertical gain pattern must not exceed 3000 microwatts per square meter on the ground over the area extending to 1 km from the base of the antenna mounting structure. Verizon Wireless includes a summary of results of testing conducted by V–COMM.

46. It appears that Verizon Wireless intends its proposed PFD limit of 3000 microwatts per square meter to apply to any base station with emissions exceeding 1000 W ERP, similar to the limit for the upper 700 MHz band. For the upper 700 MHz band, the Commission established a PFD limit that applies to emissions greater than 1000 W ERP, regardless of the bandwidth of the emission. For the lower 700 MHz band where there was no public safety spectrum, the Commission established PFD limits that apply, in non-rural areas, to emissions that exceed 1000 W and 1000 W/MHz, and in rural areas to emissions that exceed 2000 W and 2000 W/MHz, allowing more power relative to the upper 700 MHz band before PFD limits apply. This approach might be an effective tool to limit the amount of potentially interfering energy on the ground around base stations if the Commission ultimately decides to adopt higher PSD levels for the Cellular Service than what AT&T proposed. Notably, however, the Commission did not adopt PFD limits for PCS or certain AWS when it revised the radiated power rules for those services to permit use of a PSD model.

47. A factor in the upper 700 MHz band's PFD limit that is shared with the Cellular band is a desire to reduce the interference potential to adjacent channel public safety operations. If the Commission adopts AT&T's proposed PSD limits, or some other PSD limits lower than what is proposed by Verizon Wireless, should the Commission also adopt a PFD limit? If so, should the PFD limit only apply if the ERP exceeds a certain level (*e.g.,* 1000 W, as in the upper 700 MHz band, or some other level)? Is 3000 microwatts per square meter on the ground over the area extending to 1 km from the base of the antenna mounting structure the appropriate PFD level to protect public safety operations? Is a different applicable area more appropriate than Verizon Wireless's proposed area? Should a PFD limit only be applicable in areas where the rebanding process has not been completed? Should it be applicable only to those Cellular carriers using the PSD model to measure their ERP, or to all Cellular carriers?

48. The Commission also seeks comment on several other issues raised by Verizon Wireless's proposal. How should the microwatts-per-square-meter level, whether it is 3000 microwatts or some other value, be measured? Should the parameter have a reference or measurement bandwidth of 1 MHz, or some other value, to ensure uniform measurement regardless of channel width? Should the PFD value be an average limit, or a peak value that should not be exceeded at any point within the specified area? Would licensees perform a predictive modeling of this parameter before deployment, or is it a measured value? If the PFD is a modeled parameter, would it be better to establish some allowance for

exceeding the PFD over a small portion of the subject area? For example, the Commission could require that the PFD not be exceeded over more than 5% or 10% of the area within 1 km of the transmitting structure. Such an allowance may be needed in areas where rolling terrain could increase the PFD over a small portion of the applicable area. What challenges may be created in enforcing a PFD limit, including consistency and parity in application among different technologies?

49. The Commission seeks detailed and specific comments on all questions and issues mentioned above surrounding the establishment of a PFD limit, and any other issues that commenters believe are related and pertinent. All commenters, whether supporting or opposing the establishment of a PFD limit, should provide a technical demonstration substantiating their position.

D. Technological Neutrality for Field Strength Measurement

50. In its Report and Order in the proceeding concerning AWS–3, the Commission stated that boundary limits that adjust for large differences in channel bandwidth may be appropriate. However, the Commission stated that it intended to explore the issue of a measurement bandwidth to co-channel boundary field strength limits in a future proceeding due to a lack of consensus on how to apply boundary limits for AWS–3. With the introduction of power flexibility in the Cellular band, licensees could be deploying different technologies with emission bandwidths ranging from 200 kHz to 10 MHz. Therefore, to promote technological neutrality in our rules among different technologies and licensees, the Commission seeks comment on whether the new Cellular field strength limit of 40 dBμV/m, which the Commission adopted in its companion R&O in this proceeding, can be applied in a technology neutral fashion or whether the Commission should adopt a specific measurement bandwidth for field strength measurements or some other limit or metric at the license boundary.

51. Given that the Cellular Service is well-established, what are the considerations for or against specifying a measurement bandwidth for the field strength limit? To ensure uniform application of the limit, would a 100 kHz or 1 MHz measurement bandwidth be appropriate or would that be too stringent, and what would the consequences be? If the Commission adopts a measurement bandwidth that is too wide, would it be potentially difficult to meet the limit and still have adequate signal to provide service at the boundary area? Is a field strength limit with a measurement bandwidth the best metric to address service area boundary interference? If not, what limit and type should be applied? It is appropriate that commenters address application of the field strength limit in a technology neutral fashion, and the Commission encourages all commenting parties to support their position with technical demonstrations. The Commission seeks comment on any other part 22 Cellular rules that may not be technology neutral and invites specific proposals on how they should be amended, with analysis of the potential costs and benefits of such changes.

E. Height-Power Limit

52. Section 22.913(b) currently limits the height of a base station antenna such that the ERP may not exceed an amount that would result in the average distance to the SAB being 79.1 km for licensees authorized to serve the Gulf of Mexico market (the ''Gulf''), 40.2 km for all other licensees. Section 22.913(c) provides an exemption from the height-power limit if the licensee coordinates and obtains concurrence from all co-channel licensees within 121 km. No commenter on the record in this proceeding has mentioned changing these height-power provisions. In some other flexible wireless services where the Commission has instituted PSD limits, however, it has also limited the antenna height in which the maximum power may be transmitted and allowed higher antennas if the installation scaled down the power proportionally for antennas above the height allowed for maximum power. For example, under the 700 MHz Services and PCS rules, licensees are required to scale down their power from the maximum levels for antenna heights over 300 and 305 meters, respectively. Other services, such as AWS, are not subject to such limitations.

53. The Commission seeks comment on whether and how the Commission should amend the Cellular height-power limit and exemption rules. Does the Commission need a scaled height-power requirement similar to the one applicable in the 700 MHz band, and if so, what should the values be? With the adoption in the companion R&O in this proceeding of a field strength limit rule to protect neighboring Cellular licensees' CGSA boundaries, the Commission seeks detailed comment, including technical analysis and proposed wording of rules, on whether it is appropriate to delete the current Cellular height-power limit altogether, or whether a limit is still necessary, at least for CGSA expansions into Unserved Area.

F. Mobile Transmitters and Auxiliary Test Transmitters

54. At this time, the Commission is proposing to permit Cellular licensees to use a PSD model only for base station transmitters and Cellular repeaters. No commenter on the record in this proceeding has suggested changing the power limit for Cellular mobile or portable transmitters. Currently, § 22.913(a)(2) sets a limit of 7 W ERP for mobile and auxiliary test transmitters. While the Commission tentatively concludes that the 7 W ERP limit is adequate even for 10 MHz channel widths, the Commission seeks comment on whether the current limit should be updated or changed, including whether it should be lowered to be consistent with other CMRS bands. While the Commission has not adopted PSD for mobile stations in other services such as PCS or the 700 MHz Services, the Commission seeks comment on whether a PSD limit should be established for mobile and portable Cellular transmitters, and if so, what that limit should be. Does the use of MIMO antenna techniques affect how power is measured and how it should be regulated in mobile devices? The Commission also seeks comment on whether auxiliary test transmitters are still in use and whether a provision applying to such transmitters is still warranted in § 22.913(a)(2). Are there other types of Cellular transmitters that should be addressed in the radiated power rules? Does it serve the public interest to treat Cellular mobile transmitters differently from auxiliary test transmitters, and if so, what should the respective treatments be? The Commission emphasizes that, even if it decides to adopt changes to § 22.913(a)(2), its environmental regulations will still apply.

G. Power Measurement

55. Because mobile devices often operate across multiple service bands, the Commission tentatively concludes that it would serve the public interest to establish consistent measurement techniques for equipment to ease the equipment authorization process, while also taking into account unique factors presented by the band, and seeks comment on whether the measurement techniques for the Cellular Service should be updated. The Commission's Cellular power rules were created when analog technologies were predominantly used, and are not necessarily applicable to current technologies. Here, the

Commission discusses peak power versus average power, peak-to-average power ratio, resolution bandwidth, EIRP versus ERP, and accommodating MIMO antenna techniques.

56. Section 22.913 does not specify how power is to be measured, *i.e.,* peak or average power. Digital modulation techniques often produce instantaneous short duration spikes such that the overall power of the emission is lower under average power measurement compared to peak measurement. In revising the radiated power rules for PCS and AWS, the Commission concluded that, for non-constant envelope technologies such as CDMA, WCDMA, and OFDM, limiting PCS and AWS power on an average basis would more accurately predict the interference potential for such technologies. The record in that proceeding demonstrated that using peak power measurements for non-constant envelope technologies inaccurately suggested a much higher overall operational power, compared to average power levels, due to short duration power spikes. The Commission further found that measurement of average power for PCS and AWS operations must be made during a period of continuous transmission based on a 1 MHz resolution bandwidth. Because the average power approach allows for emissions higher than those under peak power limits, the Commission also concluded that it would serve the public interest to adopt a peak-to-average ratio limit to mitigate the potential for undesirable interference that could result otherwise. The current rules for PCS and AWS reflect these various measurement decisions.

57. No one on the record in this proceeding has thus far addressed how PSD should be measured if the Commission introduces this model into the Cellular radiated power rules. The Commission tentatively concludes that, to account for the characteristics of digital modulation techniques, Cellular radiated power limits—both the legacy limits the Commission proposes to maintain as an option for narrowband technologies and the PSD limits the Commission proposes as an option for wideband technologies—should be measured in terms of maximum average power as measured with a root mean square power averaging detector. Averaging would, under this approach, be permitted only over the various power levels associated with different symbol states while the device is transmitting at maximum power levels (*i.e.,* averaging during any transmitter quiescent periods or reduced power transmissions is not permitted). Because the peak power associated with a noise-like signal is a random variable and, as such, can place unachievable requirements on the measuring instrumentation (*e.g.,* a resolution/measurement bandwidth that exceeds the signal bandwidth), the Commission tentatively concludes that the Cellular output power should not be specified in terms of peak, unless limited to peak PSD (in which case a reference bandwidth should also be specified). The Commission also proposes to specify that power should be measured with a resolution bandwidth, but seeks comment on what that resolution bandwidth should be. The current resolution bandwidth for measuring unwanted emissions outside of the Cellular band is 100 kHz or greater, but the PCS resolution bandwidth for measuring in-band power is specified as being equal to or greater than the authorized bandwidth. The Commission seeks comment on how the Commission should craft the Cellular power measurement rules to accommodate the various technologies used in the band and others that may be used in the future.

58. The Commission also seeks comment on whether, if the Commission adopts an average power requirement for Cellular licensees, it should be accompanied by a peak-to-average ratio, as the Commission has adopted for PCS and AWS. If the Commission adopts a peak-to-average ratio to be applied over an emission's bandwidth, the Commission proposes that the limit apply to the highest peak power density relative to the highest average power density measured over the entire occupied bandwidth. The reason for specifying the peak-to-average ratio within a reference bandwidth is to be clear the Commission is not referring to the absolute peak power within the total signal but, rather, to the peak within some defined bandwidth, making it a realizable measurement even when the signal greatly exceeds the available resolution/measurement bandwidth. In addition, the peak-to-average ratio would not apply within each and every reference bandwidth bin, as the Commission's Laboratory finds that a peak-to-average ratio limit can be exceeded on a bin-by-bin basis due to intermodulation products, but can be compliant when the overall maximum values are considered. Finally, if the Commission adopts a peak-to-average ratio, the Commission proposes that it be specified on a statistical basis to reflect the fact that the peak power of a ''noise-like'' signal is a statistical parameter (*e.g.,* peak-to-average ratio level must comply with the limit 99% of the time). The PCS peak-to-average ratio is 13 dB. The Commission seeks comment on all aspects of applying a peak-to-average ratio to the Cellular band, including whether the PCS peak-to-average ratio or some other value is most appropriate for Cellular licensees.

59. The Commission also seeks comment on whether the Commission should convert our Cellular power requirements to EIRP instead of ERP, as suggested by Union Wireless. While these two power specifications entail a simple mathematical conversion from one to another, EIRP may make more sense for the Cellular Service, particularly for mobile and portable devices that have integrated antennas. It is our understanding that dipole antennas are infrequently used to perform compliance measurements and that practically all measurement antennas in use today provide gain values in terms of dBi. Further, the Commission seeks comment on the impact of MIMO antenna techniques on our radiated power rules and measurement procedures. Through MIMO, a Cellular base station would deploy multiple antennas, each intended to transmit and receive the same signals, allowing increased throughput and reliability by having multiple signals to add together or to compensate for multipath fading. Does the use of MIMO techniques require a modification to the way the Commission specifies Cellular power or perform measurements for equipment authorization? If so, how should the Commission modify the rules and policies to account for MIMO?

60. The Commission seeks comment also on whether any other part 22 rules regarding equipment standards and measurement need to be updated or modified to be consistent with the equipment certification rules in part 2. For instance, part 2 requirements related to spurious emissions at an antenna terminal assume that the unwanted emissions are measured at the antenna terminals (*i.e.,* a conducted measurement). Section 22.917 is not clear on whether the Cellular measurement is conducted or radiated. Should § 22.917 be modified to be consistent with this part 2 requirement?

61. The Commission urges all interested parties, including not only Cellular licensees but also licensees in the immediately adjacent bands, equipment manufacturers, and entities that test Cellular equipment, to provide comments on these questions and issues related to power measurement. Commenters should be specific and

detailed, explaining the technical reasons for their views, including whether and how the public interest would be served by adopting any or all of the possible revisions discussed in these paragraphs concerning average power, peak-to-average ratio, related measurement techniques, and other technical requirements needed to obtain equipment certification.

H. Out of Band Emission Limits

62. Section 22.917 (47 CFR 22.917) outlines the current Cellular out of band emission (''OOBE'') limits and how these limits are measured. The Commission seeks comment on whether, given technological developments, the Commission should increase the suppression levels set forth in § 22.917. Would increasing the OOBE limits facilitate higher PSD limits without increasing the potential for unacceptable interference to legacy public safety operations? If so, what should the increased OOBE limits be? Given that changing filtering requirements may temporarily increase the cost of radio equipment, what would be the costs and benefits of increasing the Cellular OOBE limits to protect services outside the Cellular band, including legacy public safety operations that are intended to relocate as part of the 800 MHz rebanding proceeding?

63. In measuring Cellular OOBE in close proximity to the authorized frequency band edge, the Commission permits the use of a narrower-resolution bandwidth (of at least 1% of the emission bandwidth of the fundamental emission) to measure the unwanted emissions that are on frequencies ''immediately outside and adjacent to the frequency block'' without any requirement for subsequently integrating the results over the full reference bandwidth. The Commission proposes to clarify that this provision only applies in the first 100 kHz immediately outside and adjacent to the authorized frequency block/band, and seeks comment on the proposal. Further, this methodology (*i.e.,* allowing a reduced bandwidth as a percentage of the fundamental emission (occupied) bandwidth) introduces a bias toward narrowband technologies. Therefore, the Commission also seeks comment on whether the Commission should adopt a standard reference resolution bandwidth (*e.g.,* 10 kHz) that would be applicable to all cases irrespective of the signal bandwidth, and thus not create any unnecessary limit discrepancies. The Commission seeks comment generally on revising our Cellular OOBE limits, given the changing 800 MHz spectrum environment, technological developments, and compliance measurement techniques.

I. Other Measures

1. Modification of Section 22.911

64. Section 22.911 (47 CFR 22.911) sets forth the formula for calculating SAB and CGSA contours. The formula, which uses height above average terrain (H) and power (P) values of the proposed new or modified Cellular base station along eight cardinal radials, is designed to establish a uniform license boundary determination method. Under the new rules the Commission adopted in the R&O in this proceeding, Cellular licensees are still permitted to expand their CGSAs and have added flexibility to extend their SABs beyond their CGSA boundaries. The Commission indicated that, for purposes of measuring the service area within an SAB extension or CGSA expansion, the § 22.911 formula is a proven method. Now, in the context of considering the adoption of a PSD model for the Cellular band, the Commission seeks comment on how to ensure a technology neutral application of the SAB formula, given that P could vary widely depending on the technology chosen by the licensee.

65. Changing the value could have a significant impact on the CGSA-expansion process because, if the Commission adopts a PSD model as proposed above, P could be increased from a value of 500 W to several thousand W depending on the occupied bandwidth and the specific PSD value. The GSM Licensees argue that the rules should be modified to express what they reference as the 32 dBμV/m field strength limit and the ERP term of the related SAB distance formulas in § 22.911 ''in terms of electric field spectral density and ERP spectral density (PSD) respectively for broadband carriers.'' If § 22.913 is revised to include a PSD model without some form of normalization, the Commission is concerned that this could unfairly penalize licensees using narrowband technologies and thus would not serve the public interest. Accordingly, while the Commission concluded in the R&O that the § 22.911 formula should continue to be used for the purpose of calculating SAB contours and CGSAs, the Commission tentatively concludes that a normalization method needs to be developed to accommodate higher ERP values created by wideband emissions.

66. The Commission proposes, in the event that it ultimately adopts a PSD model for the Cellular band in this proceeding, to establish some method to allow P in the formula to vary so as to equalize the effects of PSD when applying for Unserved Area to expand a CGSA, or when extending an SAB into Unserved Area and providing service on a secondary basis only, in compliance with the new rules adopted in the R&O in this proceeding. One option could be to require licensees using a PSD model for their Cellular operations to use only the power (P value) contained in 1 MHz or 2 MHz of their occupied bandwidth for the purpose of determining the contour of the new or modified cell site. If the Commission adopts higher PSD limits, the power in 1 MHz of the emission bandwidth could be the appropriate value for P, but if the Commission adopts lower PSD limits, then 2 MHz may be more appropriate. The Commission could allow licensees using the legacy ERP limits to apply in the formula an aggregate ERP value for P that the station would use over a 1 MHz or 2 MHz reference bandwidth. Alternatively, should a separate formula be added to § 22.911 for use by those licensees that opt to use the PSD model in measuring their maximum ERP? If so, how should this formula be different from the current one?

67. The Commission seeks comment on the issues raised in the preceding paragraphs and invites suggestions as to any potential methods of addressing the contour calculation under § 22.911 so that applicants seeking to establish new Cellular systems or expand existing systems into Unserved Area are treated on par with one another regardless of the technology they choose. All suggestions and comments should include a thorough technical analysis and a demonstration of how the various technologies would be impacted. Given the specific provisions in § 22.911(a)(1) and (2), the Commission also seeks comment on whether any revisions to those provisions are warranted in the context of the proposal to permit use of a PSD model for Cellular licensees.

2. Domestic Coordination Requirements

68. Under § 22.907 of the Commission's rules, Cellular licensees are required to coordinate channel usage at each transmitter location within 121 kilometers (75 miles) of any transmitter locations that are authorized to other licensees or proposed (except those with mutually exclusive applications). In its companion R&O in this proceeding, the Commission did not change § 22.907, but the Commission now seeks comment in this FNPRM on whether, in the event the Commission adopts a revised § 22.913 to permit the use of a PSD model, the current coordination requirements under § 22.907 are

sufficient, or whether they need to be enhanced. Is the coordination distance of 75 miles still adequate? Is there a need for channel coordination if licensees convert to wideband channels of 10 MHz? To the extent commenters argue that the current rule needs to be enhanced or otherwise revised, they should propose specific wording for the new/revised provisions of § 22.907 and explain in detail why the public interest would be served by such changes.

3. International Coordination Requirements

69. Cellular licensees are currently subject to three separate part 22 rules governing coordination between the United States government and the governments of Canada and Mexico. The generic rule applicable to all Public Mobile Services licensees, § 22.169, states that channel assignments are ''subject to the applicable provisions and requirements of treaties and other international agreements between the United States government and the governments of Canada and Mexico.'' The other two rules—§§ 22.955 and 22.957—are in subpart H (Cellular Service-specific), and each sets forth the text of a condition that is to be placed on authorizations for all Cellular systems, requiring them to coordinate any transmitter installations within 72 kilometers (45 miles) of the U.S.-Canadian or U.S.-Mexican border, as applicable.

70. The Commission proposes to streamline the rules by eliminating §§ 22.955 and 22.957, preserving § 22.169 with a minor revision to add a reference to ''operation of systems.'' This would advance our regulatory reform agenda by deleting unnecessary or redundant provisions. The Commission tentatively concludes that having the proposed single, slightly revised rule for all part 22 licensees is sufficient and consistent with the international coordination requirements set forth in other rule parts, such as in part 27 governing various flexible wireless services, for example, and seeks comment on this proposal.

4. Proposed Correction of Section 22.355 (Frequency tolerance)

71. The Commission proposes to correct a clerical error in the third column heading of the table in § 22.355 of our rules. The error was introduced inadvertently in the **Federal Register** when § 22.355 was revised in 1996. The proposed correction is included in Appendix B (Proposed Rules) of this FNPRM.

V. Procedural Matters

A. Paperwork Reduction Act Analysis

72. This FNPRM seeks comment on potential new and revised information collection requirements. If the Commission adopts new or revised information collection requirements, the Commission will publish a notice in the **Federal Register** inviting the public to comment on the requirement, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

B. Initial Regulatory Flexibility Analysis

73. As required by the RFA, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in the FNPRM. The analysis is found in Appendix D. The Commission requests written public comment on the analysis. Comments must be filed in accordance with the same deadlines as comments filed in response to the FNPRM, and must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

C. Ex Parte Presentations

74. *Permit-But-Disclose.* The Commission will continue to treat this proceeding as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making 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 rule § 1.1206(b). In proceedings governed by rule § 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 Commission's Electronic Comment Filing System (''ECFS'') 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.

D. Filing Requirements

75. *Comments and Replies.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments concerning the FNPRM on or before the dates indicated on the first page of this document. All filings related to this FNPRM should refer to WT Docket No. 12–40. Comments may be filed using ECFS.

- 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.
- 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 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.

○ 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.

76. *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).

77. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be publically available online via ECFS.[1] These documents will also be available for public inspection during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW., Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m.

78. *Additional Information.* For further information, contact Nina Shafran of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418–2781, or by email: *Nina.Shafran@fcc.gov.*

VI. Ordering Clauses

79. Accordingly, *it is ordered,* pursuant to sections 1, 2, 4(i), 4(j), 7, 301, 302, 303, 307, 308, 309, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 157, 301, 302, 303, 307, 308, 309, and 332, that this *report and order* and this *further notice of proposed rulemaking* in WT Docket No. 12–40 *are adopted.*

80. *It is further ordered* that, pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on the *further notice of proposed rulemaking* on or before 30 days after publication in the **Federal Register** and reply comments on or before 60 days after publication in the **Federal Register**.

81. *It is further ordered* that, pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), the Commission *shall send* a copy of this *further notice of proposed rulemaking* to Congress and to the Government Accountability Office.

82. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *further notice of proposed rulemaking,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

[1] Documents will generally be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 1

Reporting and recordkeeping requirements, Telecommunications.

47 CFR Part 22

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 0, 1, and 22 as follows:

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

■ 2. Section 0.401 is amended by revising the note to paragraph (b)(1) to read as follows:

§ 0.401 Location of Commission offices.

* * * * *

(b) * * *

(1) * * *

Note to paragraph (b)(1): Wireless Telecommunications Bureau applications that require frequency coordination by certified coordinators must be submitted to the appropriate certified frequency coordinator before filing with the Commission. After coordination, the applications are filed with the Commission as set forth herein. (*See* §§ 22.985, 90.127 and 90.175 of this chapter.)

* * * * *

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.;* 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 227, 303(r), 309, 1403, 1404, 1451 and 1452.

■ 4. Section 1.1204 is amended by revising paragraph (a)(7) to read as follows:

§ 1.1204 Exempt ex parte presentations and proceedings.

(a) * * *

(7) The presentation is between Commission staff and an advisory coordinating committee member with respect to the coordination of frequency assignments to stations in the private land mobile services, fixed services, or Cellular Radiotelephone Service as authorized by 47 U.S.C. 332;

* * * * *

PART 22—PUBLIC MOBILE SERVICES

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

Authority: 47 U.S.C. 154, 222, 303, 309, and 332.

■ 6. Section 22.99 is amended by revising the definition of ''Cellular system'' and adding definitions for ''Frequency coordinator'' and ''Power spectral density'', in alphabetical order, to read as follows:

§ 22.99 Definitions.

* * * * *

Cellular system. An automated high-capacity system of one or more base stations designed to provide radio telecommunication services to mobile stations over a wide area in a spectrally efficient manner. Cellular systems employ techniques such as low transmitting power and automatic hand-off between base stations of communications in progress to enable channels to be reused at relatively short distances.

* * * * *

Frequency coordinator. In the Cellular Radiotelephone Service, a person or organization certified by the FCC to review applications submitted by applicants, including any exhibits and electronic maps, to ensure that the applications are in compliance with all rules applicable to the Cellular Service. *See* § 22.985.

* * * * *

Power spectral density (PSD). The power of an emission in a frequency domain, such as ERP or EIRP, stated per unit bandwidth, *e.g.,* watts/MHz.

* * * * *

■ 7. Section 22.169 is revised to read as follows:

§ 22.169 International coordination.

Operation of systems and channel assignments under this part are subject

to the applicable provisions and requirements of treaties and other international agreements between the United States government and the governments of Canada and Mexico.

■ 8. Section 22.317 is revised to read as follows:

§ 22.317 Discontinuance of station operation.

If the operation of a Public Mobile Services station is permanently discontinued, the licensee shall send authorization for cancellation by electronic filing via the ULS on FCC Form 601. For purposes of this section, any station that has not provided service to subscribers for 90 continuous days is considered to have been permanently discontinued, unless the applicant notified the FCC otherwise prior to the end of the 90 day period and provided a date on which operation will resume, which date must not be in excess of 30 additional days. This section does not apply to the Cellular Radiotelephone Service (*see* § 22.947).

■ 9. Section 22.355 is amended by revising Table C–1 to read as follows:

§ 22.355 Frequency tolerance.

* * * * *

TABLE C–1—FREQUENCY TOLERANCE FOR TRANSMITTERS IN THE PUBLIC MOBILE SERVICES

Frequency range (MHz)	Base, fixed (ppm)	Mobile > 3 watts (ppm)	Mobile ≤ 3 watts (ppm)
25 to 50	20.0	20.0	50.0
50 to 450	5.0	5.0	50.0
450 to 512	2.5	5.0	5.0
821 to 896	1.5	2.5	2.5
928 to 929	5.0	n/a	n/a
929 to 960	1.5	n/a	n/a
2110 to 2220	10.0	n/a	n/a

■ 10. Section 22.913 is revised to read as follows:

§ 22.913 Effective radiated power limits.

Subject to § 22.169, the effective radiated power (ERP) of transmitters in the Cellular Radiotelephone Service must not exceed the limits in this section.

(a) *Maximum ERP.* The effective radiated power (ERP) in the Cellular Radiotelephone Service must not exceed the following limits:

(1) The ERP of base transmitters and Cellular repeaters must not exceed 500 watts per authorized bandwidth or XXX watts/MHz.

(2) For Cellular systems operating in areas more than 72 kilometers (45 miles) from international borders that are located in counties with population densities of 100 persons or fewer per square mile, based upon the most recently available population statistics from the Bureau of the Census, or that extend coverage into Unserved Area (*see* § 22.949), the ERP of base transmitters and Cellular repeaters must not exceed 1000 watts per authorized bandwidth or XXX watts/MHz.

(3) The ERP of mobile transmitters and auxiliary test transmitters must not exceed 7 watts.

(b) *Power measurement.* The ERP limits set forth in paragraph (a) of this section must be measured in terms of average power over a resolution bandwidth of 100 kHz or greater.

(c) [Reserved]

(d) *Height-power limit.* The ERP of base transmitters must not exceed the amount that would result in an average distance to the service area boundary of 79.1 kilometers (49 miles) for Cellular systems authorized to serve the Gulf of Mexico Service Area and 40.2 kilometers (25 miles) for all other Cellular systems. The average distance to the service area boundary is calculated by taking the arithmetic mean of the distances determined using the procedures specified in § 22.911 for the eight cardinal radial directions.

(e) *Coordination exemption.* Licensees need not comply with the height-power limit in paragraph (d) of this section if the proposed operation is coordinated with the licensees of all affected Cellular systems on the same channel block within 121 kilometers (75 miles) and concurrence is obtained.

■ 11. Add § 22.947 to read as follows:

§ 22.947 Discontinuance of service.

(a) *Termination of authorization.* (1) Except with respect to CMA672–A (*see* paragraph (a)(2) of this section), a licensee's Cellular Geographic Service Area authorization will automatically terminate, without specific Commission action, if the licensee permanently discontinues service after expiration of the construction period specified in § 22.946.

(2) *CMA672–A (Chambers, TX).* The licensee's authorization for CMA672–A will automatically terminate, without specific Commission action, if the licensee permanently discontinues service after meeting its interim construction requirement as specified in § 22.961(b)(1).

(b) *Permanent discontinuance.* Permanent discontinuance of service is defined as 180 consecutive days during which a licensee does not operate or, in the case of a commercial mobile radio service provider, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier.

(c) *Filing requirements.* A licensee that permanently discontinues service as defined in this section must notify the Commission of the discontinuance within 10 days by filing, via the ULS, FCC Form 601 requesting license cancellation. An authorization will automatically terminate, without specific Commission action, if service is permanently discontinued as defined in this section, even if a licensee fails to file the required form requesting license cancellation.

§§ 22.955 and 22.957 [Removed and Reserved]

■ 12. Remove and Reserve §§ 22.955 and 22.957.

■ 13. Add § 22.985 to subpart H to read as follows:

§ 22.985 Frequency coordination.

(a) A frequency coordinator in the Cellular Radiotelephone Service shall perform the following functions:

(1) Review applications (including all exhibits and attachments) listed in paragraph (c) of this section for compliance with all rules applicable to the Cellular Service.

(2) If, in the coordinator's assessment, an application is not in compliance with applicable rules, the coordinator shall notify the applicant about the noncompliance. The applicant may then correct the application and resubmit the

application to the coordinator for review.

(3) If, in the coordinator's assessment, an application is in compliance with all applicable rules, the coordinator shall submit the application to the Commission for processing. The coordinator shall also submit along with the application a statement that indicates the application is compliant with all applicable rules and recommends that the FCC grant the application.

(b) The functions and recommendations of a frequency coordinator under this section are advisory in nature for the applicant and the Commission, and its recommendations are not binding upon either the applicant or the Commission. If there is a disagreement between an applicant and a coordinator regarding the coordinator's recommendation, the coordinator and applicant are jointly responsible for taking action to resolve the disagreement, up to and including notifying the Commission that the disagreement cannot be resolved. In the event of such an irresolvable dispute, the applicant may direct the reviewing coordinator to submit the application to the Commission without the coordinator's recommendation. Such an application should indicate that the applicant sought frequency coordination and be accompanied by a statement from the coordinator explaining its reasons for not recommending the proposed operations. The affected applicant shall bear the burden of proceeding and the burden of proof in requesting that the Commission overturn a coordinator's recommendation.

(c) An applicant that files any of the following types of applications must first submit them to a certified frequency coordinator in the Cellular Service for review:

(1) A major modification application claiming at least 130 square kilometers (50 contiguous square miles) of Unserved Area as Cellular Geographic Service Area (CGSA);

(2) An application seeking authorization for a new Cellular system; and

(3) Any other application when submitted together with an application type that is listed in paragraph (c)(1) or (2) of this section.

(d) Within one business day of making a recommendation, a frequency coordinator must notify and provide the information listed in paragraph (e) of this section to all other coordinators who are certified to review Cellular applications. A coordinator that does not make any recommendations regarding Cellular applications on a given day must notify all other certified coordinators for the Cellular Service of such fact. A notification under this paragraph (d) of this section must be made to all the other certified coordinators at approximately the same time and can be made using any method that ensures compliance with this same-business-day requirement.

(e) At a minimum, the following information must be included in each notification that is required under paragraph (d) of this section:

(1) Name of the applicant;

(2) The type of application under paragraph (c) of this section;

(3) CMA designator(s) pertaining to where the applicant is expanding its CGSA or starting a new system;

(4) For an application type under paragraph (c)(1) of this section, the license (call sign) at issue, and the CMA description and channel block;

(5) New or modified transmitter location(s) along with coordinates and antenna height;

(6) Effective radiated power (ERP), antenna center of radiation height above average terrain (HAAT), height above sea level (HASL) or height above mean sea level (HAMSL) and distance to the SAB and to the CGSA for the eight radials of each new/modified location; and

(7) Date and time of the recommendation.

(f) Upon request, each frequency coordinator for the Cellular Service must provide any additional information requested by another certified coordinator regarding a Cellular application already reviewed by the coordinator but still pending before the Commission.

(g) It is the responsibility of each frequency coordinator to ensure that its recommendations do not conflict with the recommendations of any other certified coordinator for the Cellular Service. Should a conflict arise, the affected coordinators are jointly responsible for taking action to resolve the conflict, up to and including notifying the Commission that an application may have to be returned.

[FR Doc. 2014–29848 Filed 12–19–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 27 and 73

[GN Docket No. 12–268; ET Docket Nos. 13–26 and 14–14; FCC 14–157]

Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks comment on proposed rules to govern the interference relationship between broadcast television and wireless service in the 600 MHz Band following the incentive auction. The Commission anticipates that after the auction some broadcast television stations may operate on channels in the 600 MHz Band as a result of market variation. The Commission proposes to allow no harmful interference from wireless operations to reception of television service; the Commission proposes to require wireless licensees to use proposed OET Bulletin No. 74 (OET–74) before deploying base stations; and seeks comment on how the ISIX Methodology and inputs adopted in the companion *Second Report & Order* can be adapted to predict inter-service interference between wireless services and analog television stations in Canada and Mexico, for purposes of identifying license impairments during the auction. In addition, the Commission proposes not to permit broadcast licensees who operate in the 600 MHz Band to expand their noise-limited or protected contours if doing so would increase the potential for interference to a wireless licensee's service area.

DATES: Comments must be filed on or before January 21, 2015, and reply comments must be filed on or before February 5, 2015.

ADDRESSES: You may submit comments, identified by GN Docket No. 12–268 and ET Docket Nos. 13–26 and 14–14, 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.
- *Email:* [Optional: Include the Email address only if you plan to accept comments from the general public]. Include the docket number(s) in the subject line of the message.
- *Mail:* [Optional: Include the mailing address for paper, disk or CD–ROM

submissions needed/requested by your Bureau or Office. Do not include the Office of the Secretary's mailing address here.]

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: Aspasia Paroutsas, Office of Engineering and Technology, 202–418–7285, *Aspasia.Paroutsas@fcc.gov,* TTY (202) 418–2989.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order and *Further Notice of Proposed Rule Making,* GN Docket no. 12–268 and ET Docket No. 13–26 and 14–14; FCC 14–157, adopted October 16, 2014, and released October 17, 2014. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room, CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.*

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 8:00 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.
- 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 of the Further Notice of Proposed Rulemaking

1. In this *Further Notice of Proposed Rule Making (FNPRM),* the Commission seeks comment on proposed rules to govern the interference relationship between broadcast television and wireless service in the 600 MHz Band following the incentive auction. As discussed in the companion *Second Report & Order,* the Commission anticipates that after the auction some broadcast television stations may operate on channels in the 600 MHz Band as a result of market variation. The Commission proposes to allow no harmful interference from wireless operations to reception of television service. There are two scenarios that present the potential for harmful interference to television stations, depending on whether a station is assigned to the 600 MHz Band downlink or uplink spectrum. First, if a station is located in the downlink spectrum, we will need to protect against harmful interference from wireless base stations to TV receivers (Case 3). Second, if a station is located in the uplink spectrum, the Commission will need to consider interference from wireless user equipment to TV receivers (Case 4). As an initial matter, this *FNPRM* addresses the level of inter-service interference to television stations in the 600 MHz Band that should be permitted. The Commission also proposes a methodology for new 600 MHz Band licensees to predict whether wireless operations will interfere with television stations in the 600 MHz Band in order to identify the ''permitted boundaries'' of wireless license areas following the auction. Specifically, for Case 3 scenarios, the Commission seeks comment on requiring wireless licensees to use proposed OET Bulletin No. 74 (OET–74). For Case 4 scenarios, the Commission proposes to adopt the same fixed separation distances adopted in the companion *Second Report & Order* for use in the incentive auction. In the event that wireless operations actually cause harmful interference to television reception in the 600 MHz Band where interference was not predicted to occur, we also propose to require wireless providers to take action to eliminate the interference.

2. The Commission also seeks comment in this *FNPRM* on procedures to prevent inter-service interference following the incentive auction. It proposes to require wireless providers to analyze potential interference to any co-channel or adjacent channel television station in the 600 MHz Band within a set distance using the methodology in OET–74 before deploying base stations, regardless of whether the wireless license area was identified as ''impaired'' in the auction. The Commission also proposes to allow broadcast television stations in the 600 MHz Band to modify their facilities only to the degree that doing so does not extend their contours in the direction of a co-channel or adjacent-channel 600 MHz Band wireless license area within a set distance.

3. This *FNPRM* also seeks comment on how the ISIX Methodology and inputs adopted in the companion *Second Report & Order* for predicting interference to wireless operations from television stations (Cases 1 and 2) should be modified to predict harmful interference that LPTV and TV translator stations may cause to 600 MHz Band wireless service as it is deployed following the auction. Further, the Commission proposes to allow new 600 MHz Band wireless licensees that intend to deploy facilities during the 39-month Post Auction Transition Period to use the ISIX Methodology and inputs, as detailed in the proposed OET–74, to determine whether there is any potential for harmful interference to a television station that has not yet cleared its pre-auction channel in the 600 MHz Band.

4. Finally, the Commission seeks comment on how the ISIX Methodology and inputs adopted in the companion *Second Report & Order* can be adapted to predict inter-service interference between wireless services and analog television stations in Canada and Mexico, for purposes of identifying license impairments during the auction.

Protecting Television Stations in the 600 MHz Band From Inter-Service Interference

Proposed Threshold for Interference From Wireless Operations to Television Stations in the 600 MHz Band

5. The Commission proposes to establish a zero percent threshold for harmful interference. Under this approach, 600 MHz Band wireless licensees would not be permitted to cause harmful interference within the service area of a full power station or the protected contour of a Class A station, to the degree it affects population within that service area or protected contour.

6. The Commission proposes this threshold for a number of reasons. First, a different, more cautious approach may be warranted than in the context of preventing harmful interference between television stations because this will be the first time such proposed methodology is used. Second, the Commission does not believe that a zero percent interference threshold would undermine the goals for the incentive auction. Third, the Commission is concerned that there is a potential for significant aggregate new interference from wireless operations to television stations if it set a *de minimis* threshold. The is no safety valve measures available to address aggregate wireless interference like they are in addressing aggregate television-to-television interference, and the risk of significant levels of new aggregate wireless interference is higher. Six megahertz channels in the television bands are aligned, and only a limited number of television stations can operate on the same or adjacent channels in nearby areas. In contrast, varying degrees of spectral overlap between six-megahertz television channels and five-megahertz wireless spectrum blocks in the 600 MHz Band, along with the different technical facilities employed by television and wireless services, create the potential for multiple co- and adjacent-channel relationships between television stations and wireless operations in the 600 MHz Band in the same or nearby geographic areas. Fourth, the Commission does not think that an aggregate threshold for interference to television stations from wireless operations would be either feasible or practical. For these reasons, the Commission proposes a zero percent threshold for interference from wireless operations to television stations following the incentive auction.

7. In the event that interference is predicted between television stations assigned in the 600 MHz Band, the Commission proposes to treat that interference as ''masking interference'' in evaluating wireless interference to a television station. That is, in a grid cell where masking interference to one television station from another is predicted to occur, the Commission proposes to ignore the inter-service interference from the wireless operations. This approach would be consistent with the treatment of interference between television stations under the rules. The Commission seeks comment on this proposal.

Proposed Methodology and Inputs for Predicting Interference to Television Stations in the 600 MHz Band From Wireless Operations

Case 3: Interference From Wireless Base Stations to Television Stations Assigned to the 600 MHz Downlink Spectrum

8. If television stations are assigned to the 600 MHz Band downlink spectrum, the Commission proposes to (1) prohibit a wireless licensee from operating base stations within the contour of a co-channel or adjacent-channel DTV station and (2) require the wireless licensee to use the proposed OET–74 to predict interference to such station's service prior to deploying wireless base stations within a specified culling distance of the station's contour. The Commission seeks comment on these proposals. The culling distances proposed are based on the spectral overlap between wireless operations and broadcast television operations, and the power and antenna height of wireless base stations. The Commission seeks comment on this proposal and the specific distances proposed in OET–74. Because there is the potential for impairments in any license that is co-channel or adjacent channel with a broadcast television station, the Commission proposes to apply these requirements to all wireless operations within the culling distance that are co-channel or adjacent channel to a broadcast television station, regardless of whether the wireless licensee's spectrum block was identified as ''impaired'' in the auction.

9. The proposed methodology and input values for predicting interference from a wireless base station into DTV service are set forth in detail in the proposed OET–74. The OET–74 methodology is similar to the ISIX Methodology for Case 3 adopted in the companion *Second Report & Order,* but instead of a placement of hypothetical wireless base stations and the associated technical parameters, wireless providers would be required to use the actual technical parameters of their base stations. The Commission proposes to require wireless providers planning co-channel or adjacent-channel operations with any television stations in the 600 MHz Band downlink spectrum to apply the OET–74 methodology using the actual location, HAAT, ERP, and antenna pattern and orientation of their base stations prior to deployment of such facilities within the specified culling distance of a television station's contour. To provide wireless providers with additional flexibility, the Commission also proposes to allow them to elect to use omnidirectional patterns in their analyses rather than actual antenna patterns, either in azimuth or elevation. The Commission requests comment on this proposal.

10. The Commission proposes to incorporate the root sum square (RSS) method into OET–74 to predict the potential for aggregate interference to a television station from multiple wireless base stations. As noted, broadcasters raise concerns with regard to the potential for interfering LTE signals to combine at the point of DTV signal reception, resulting in additional interference. In the *Second Report & Order,* the Commission declined to apply the RSS method during the auction because the predictions of inter-service interference will be based on a hypothetical network deployment. In contrast, because proposed OET–74 would be based on real-world network deployments, the Commission believes that its accuracy would be improved by application of RSS method. Accordingly, the Commission proposes to aggregate the interfering field strength at the DTV receiver from the actual wireless base stations to be deployed post-auction using the RSS method.

11. The Commission proposes to specify in OET–74 the same D/U and OFR ratios adopted in the *Second Report & Order* for predicting interference from wireless base stations to DTV reception during the auction. For the reasons stated in the *Second Report & Order,* the Commission believes the same values adopted there are appropriate to use as the thresholds for predicting interference in the post-auction environment. The Commission requests comment on this proposal.

12. The Commission proposes to require that a 600 MHz Band wireless licensee perform an interference analysis using the methodology in OET–74 prior to deploying a base station for co-channel or adjacent-channel operations with the televisions stations within the set culling distance. The Commission anticipates that wireless providers will use their own network planning software to process the OET–

74 studies, but the Commission's *TVStudy* software would be made available for this purpose as well. Before deploying a new base station or making changes to existing base stations located within the specified OET–74 culling distances for co-channel or adjacent-channel operations with a television station, a wireless licensee would have to update its interference analysis to ensure that the RSS evaluations are up-to-date and accurate. The wireless licensee would be required to retain the latest copy of its interference analysis for each co-channel or adjacent-channel Partial Economic Area (PEA) license area where any of its base stations fall within the specified OET–74 culling distances and make the analysis available to the Commission or a subject television station upon request in cases where there are complaints of interference either from the subject television station, a station viewer or the Commission. The Commission seeks comment on these proposals.

Case 4: Interference From Wireless User Equipment to Broadcast Television Stations Assigned to the 600 MHz Uplink Spectrum

13. If broadcast television stations are assigned to channels in the 600 MHz Band uplink spectrum, the Commission proposes to restrict wireless user equipment (*i.e.* mobile and portable devices) operating on co-channel or adjacent-channel frequencies to areas outside the separation distances from the DTV station contours adopted in the *Second Report & Order.* First, for co-channel operations, the Commission proposes to not allow wireless user equipment to operate within the television station's contour and within five kilometers of that contour. Second, for adjacent channel operations, the Commission proposes to restrict user equipment operation within the contour of the television station and within one-half kilometer of that contour. The Commission proposes to limit the one-half kilometer restriction to the first-adjacent channel; thus, wireless user equipment could be operated anywhere within the contour of a broadcast television station if there is a frequency separation of six megahertz or more between the wireless spectrum block edge and a TV channel edge. The Commission seeks comment on the proposals for protecting DTV service from harmful interference caused by wireless user equipment. Wireless providers may meet the distance requirements by limiting their coverage area to areas that are at least five kilometers if co-channel with a broadcast television station or one-half kilometer if they are adjacent channel outside the noise-limited or protected contours of the broadcast television station. Interested parties are also invited to submit suggestions for alternative approaches for providing protection to broadcast television service that would rely on methods other than pre-calculated separation distances. Parties submitting such approaches should include technical analyses and information describing how their suggested method would adequately protect broadcast television services.

Proposed Obligation of Wireless Licensees To Eliminate Actual Interference to Television Stations in the 600 MHz Band

14. While the Commission proposes to use a predictive model to prevent inter-service interference to television stations based on wireless base station deployments, it also proposes to require a wireless licensee to eliminate any actual harmful interference to television service in the 600 MHz Band, even if no harmful interference is predicted. This proposed requirement will ensure that television stations assigned to the 600 MHz Band are not detrimentally affected by being co-channel or adjacent channel to wireless operations.

15. If a television station operating in the 600 MHz Band experiences harmful interference, the Commission proposes that the television station be required to contact the co-channel or adjacent-channel wireless provider thought to be causing the interference to resolve the issue. In the event of such contact, the Commission proposes to require that the wireless licensee provide the television station with the results of its OET–74 analysis demonstrating that no harmful interference was predicted to occur in the specific geographic area at issue. In the event that the parties do not reach resolution, they can submit a claim of harmful interference to the Commission. The Commission seeks comment on these proposals.

Proposed Procedures To Prevent Inter-Service Interference

General Wireless Licensee Obligations

16. Given the proposed rules set forth in the FNPRM, the Commission seeks comment on appropriate wireless licensee obligations, both with respect to technical requirements and service rules. Specifically, consistent with the guidance set forth in the *Incentive Auction R&O,* the Commission proposes that a 600 MHz Band licensee will hold a license for its entire PEA service area, but operations will be limited to the portions of the license where the licensee will not cause harmful interference to broadcast television stations assigned to the 600 MHz Band. Under this proposal, a wireless licensee will be allowed to operate base stations at the power and out-of-band emission (OOBE) limits authorized by the technical rules only within the areas where it can demonstrate using the proposed OET–74 methodology and inputs that it will not cause harmful interference to a television station, even if the actual boundaries of the license area extend further (*i.e.,* it may not operate in ''restricted'' areas). As the Commission stated in the *Incentive Auction R&O,* nothing in the rules prevents a wireless provider from operating in a part of its service area in which it may *receive* interference from broadcast operations (*i.e.,* in an ''infringed'' area). The Commission seeks comment on the obligations of 600 MHz Band wireless licensees in operating in areas of their PEAs with impairments.

17. As discussed in the *Incentive Auction R&O,* 600 MHz Band wireless licensees will be required to meet the 600 MHz Band interim and final build-out requirements, except that they may show they are unable to operate in areas where they may cause harmful interference to the broadcast television stations that remain in the 600 MHz Band due to market variation. The areas where a wireless licensee may operate without causing harmful interference are the ''permitted boundaries'' of a license area. If a licensee is not able to serve its entire license area, when it files its construction notification within 15 days of the relevant milestone certifying that it has met the applicable performance benchmark within its permitted boundaries, the licensee must demonstrate why certain areas are excluded from its service area due to impairments. The Commission proposes to require that wireless licensees use the ISIX Methodology adopted in the *Second Report & Order* for prediction of interference in Cases 1, 2 and 4 and the methodology in proposed OET Bulletin 74 for Case 3 to demonstrate they cannot serve their entire PEA service area, among other evidence. Further, as discussed in the *Incentive Auction R&O,* if the impairing television station ceases to operate, the wireless licensee will be permitted to use the entire license area, and will be obligated to serve the area that was previously restricted in demonstrating that it has met its buildout requirements.

18. Additionally, the Commission seeks comment on any additional or modified service rules that should be

applied to 600 MHz Band licensees to address the potential for inter-service interference.

Broadcasters in the 600 MHz Band

19. Consistent with the guidance in the *Incentive Auction R&O,* the Commission proposes not to permit broadcast licensees who operate in the 600 MHz Band to expand their noise-limited or protected contours if doing so would increase the potential for interference to a wireless licensee's service area. At the same time, the Commission tentatively concludes that broadcast television stations should be allowed to demonstrate non-interference to a wireless licensee's service area by showing that a proposed modification will not expand its contour in the direction of a co-channel or adjacent channel wireless licensee. This approach will ensure that wireless providers that acquire spectrum through the forward auction can rely on the information available at the time of the auction as to the existence and contours of a co-channel or adjacent television station, and rely on their modeling using OET Bulletin 74 for as long as the such television station is operating. The Commission seeks comment on this proposal.

20. The contours of broadcast television stations that will be reassigned to new channels in the 600 MHz Band as a result of the repacking process will be specified in the *Channel Reassignment PN.* For such stations to be able to engineer their modified facilities and quickly transition to their new channels, in the *Incentive Auction R&O* the Commission granted them a window filing priority to propose transmission facilities in their initial construction permit applications with up to a one percent coverage contour increase if necessary to achieve the contour coverage specified in the *Channel Reassignment PN* or to address loss of coverage area resulting from their new channel assignment. Consistent with that decision, for purposes of the proposal set forth immediately above, the Commission proposes that the contours of such stations be deemed to be those described in their initial construction permit for their new channel. The impact on a wireless licensee of allowing stations reassigned to channels in the 600 MHz Band such flexibility would be negligible because a one percent increase is *de minimis* the increase may not be in the direction of the wireless licensee, and the initial construction applications must be filed within three months of release of the *Channel Reassignment PN.* The Commission does not propose, however, that these stations be permitted to file for further expanded facilities on their new channels, unless they can demonstrate that the proposed expanded facility will not increase their contour in the direction of a wireless license area. The Commission seeks comment on these proposals.

Predicting Inter-Service Interference During the Post-Auction Transition Period

Predicting Interference to New 600 MHz Band Licensees From LPTV Stations and TV Translators for Notification Purposes

21. In the *Incentive Auction R&O,* the Commission stated that during the Post-Auction Transition Period new 600 MHz Band wireless licensees intending to commences operations in areas of their licenses where there is a likelihood of receiving harmful interference from an LPTV or TV translator station, based ''on the methodology the Commission adopted to prevent inter-service interference,'' must provide LPTV and TV translator stations with advance notification that they will be displaced. In the *Second Report & Order,* the Commission adopted the ISIX Methodology and input values to predict interference from full power and Class A television stations to wireless services during the course of the auction.

22. The Commission seeks comment on appropriate modifications to the ISIX Methodology to predict interference to 600 MHz Band wireless operations from LPTV and TV Translators. First, the Commission seeks comment on use of the field strength values below for predicting such interference. The interference potential of LPTV and TV Translators that have migrated their operations to digital is evaluated differently from that of full power DTV stations under the rules. In particular, the rules specify different values for the adjacent channel emissions and elevation patterns of low power and full power DTV stations. The Commission examined the effect of the different LPTV/TV translator emission masks, however, and found that the field strength thresholds of these masks and the full power television mask is no more than 1dB. Therefore, the Commission proposes to use the same field strength values as full power television for the interference thresholds of co-channel and adjacent channel emissions for LPTV and TV translators to wireless service in the ISIX Methodology. Those thresholds are based on technical assumptions regarding the wireless receivers (both base stations and user equipment) that appear respectively in Tables 5 and 6 in the *ISIX PN,* as well as Tables 3 and 4 in the Technical Appendix of the *Second Report and Order.*

23. In addition, the Commission proposes to use the same elevation patterns for LPTV and TV translators as those patterns appear in the Consolidated Database System (CDBS). In the event the CDBS does not include elevation pattern values for a given low power station, it proposes to use the elevation patterns of LPTV and TV translators as they are defined in § 74.793(d) of the Commission's rules.

24. In the event a potentially interfering LPTV or TV translator station is operating an analog signal, the Commission invites comment on additional modifications to the methodology for predicting inter-service interference that may be appropriate. One potential approach is to use *TVStudy's* capability to ''replicate'' an analog signal as an equivalent digital signal and analyze the station as though it were operating in digital. The Commission seeks comment on this approach and on any other potential approaches. In the event it uses the *TVStudy* approach, the Commission seeks comment on whether it should treat the interfering field strength of an analog television signal the same as an interfering digital television signal.

Wireless Operations Prior to Broadcast Television Station Relocation

25. As set forth in the *Incentive Auction R&O,* wireless providers may commence operations prior to the end of the 39-month Post-Auction Transition Period, as soon as their licensed frequencies are vacated by any full power or Class A television stations that occupied those frequencies prior to the incentive auction. Because television stations transitioning to new channels or going off the air may be operating on different timetables under the rules established in the *Incentive Auction R&O,* there is a potential for inter-service interference between wireless providers that commence operations on frequencies that have been vacated by a broadcast television station in their license area or in part of their license area and broadcast television stations in nearby markets that have not transitioned yet.

26. Accordingly, in the event that a wireless provider seeks to commence operations prior to the end of the 39-month Post-Auction Transition Period and there are co-channel or adjacent-channel broadcast television stations in the wireless licensee's downlink spectrum within the culling distances

specified in OET–74, the Commission proposes to require the wireless provider to use OET–74 to predict whether wireless operations in its license area or part of its license area will cause harmful interference to the subject television stations. The wireless licensees would be required to retain the latest copy of the OET–74 study for each co-channel or adjacent-channel PEA license area where any of their base stations fall within the specified OET–74 culling distances and make it available to the Commission and to a subject television station upon request if there are complaints of interference either from a subject television station, a member of the public or the Commission. The Commission seeks comment on these proposals.

27. If there are co-channel or adjacent channel broadcast television stations in the wireless licensee's uplink spectrum that have not cleared their pre-auction channels, the Commission proposes to require the wireless providers to ensure that their user equipment does not operate in the contours and within five kilometers of the contour when co-channel or within a half kilometer when adjacent channel. The Commission seeks comment on this proposal.

Using the ISIX Methodology To Assess Interference From and to International Broadcast Television Stations During the Auction

28. The Commission has engaged in extensive discussions with Canada and Mexico to determine interference protection along the border areas. At this time, both Canada and Mexico are transitioning their broadcast services into digital in line with their regulatory requirements. Because the timing of these transitions is under the control of the administration of the respective countries, the Commission seeks comment on using the ISIX Methodology and input values to identify impairments to wireless spectrum along the international borders during the auction.

29. As noted, the ISIX Methodology adopted in the companion *Second Report & Order* item is not designed for analog signals. As Canada and Mexico have not completed their digital transitions, the Commission also seeks comment on implementing an approach similar to that proposed above for predicting interference from analog LPTV to wireless service. Specifically, in predicting interference to and from foreign analog broadcast television stations along the international borders, it proposes to use *TVStudy's* capability to ''replicate'' an analog signal as an equivalent digital signal and analyze the station as though it was operating as digital.

Initial Regulatory Flexibility Analysis

30. As required by the Regulatory Flexibility Act (RFA),[1] the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Further Notice of Proposed Rule Making (FNPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of this FNPRM. The Commission will send a copy of this FNPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).[2] In addition, the FNPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.[3]

A. Need for, and Objectives of, the Proposed Rules

31. The FNPRM addresses issues that arise from the *Incentive Auction R&O* to repurpose a portion of the broadcast spectrum for new wireless services and proposes rules governing the interference in the 600 MHz Band following the incentive auction.[4] In the *Incentive Auction R&O,* the Commission adopted a flexible band plan framework that accommodates market variation.[5] Market variation occurs where broadcast stations remain on spectrum that is repurposed for wireless broadband under the 600 MHz Band Plan.[6] The *FNPRM* proposes rules for the protection of broadcast services from wireless operations in the 600 MHz Band when co-channel or adjacent channel and for the protection of wireless license areas from broadcast television stations seeking to expand their contours. It proposes a methodology in OET Bulletin No. 74 for predicting when a wireless base station will cause interference to a broadcast station. It proposes to require wireless user equipment to operate outside of certain separation distances from the broadcast station contours to avoid interference to television reception. In the event that wireless operations actually cause harmful interference to television reception in the 600 MHz Band where interference was not predicted to occur, the *FNPRM* proposes to require wireless providers to take action to eliminate the interference. The *FNPRM* seeks comment on appropriate wireless licensee obligations, both with respect to technical requirements and service rules. The *FNPRM* also proposes to adopt the ISIX Methodology to predict whether LPTV or TV Translators will cause interference to a wireless system in the 600 MHz Band. The *FNPRM* also proposes use of the ISIX Methodology and inputs, as detailed in the proposed OET–74, for ensuring that wireless services that are deployed during the 39-month transition period do not cause interference to broadcast television stations that have not yet transitioned to their final channel assignments.

B. Legal Basis

32. The proposed action is authorized under sections 1, 4, 301, 303, 307, 308, 309, 310, 316, 319, 332, and 403 of the Communications Act of 1934, as amended, and sections 6004, 6402, 6403, 6404, and 6407 of Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156, 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 332, 403, 1404, 1452, and 1454.

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

33. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.[7] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[8] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[9] A small

[1] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601—612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

[2] *See* 5 U.S.C. 603(a).

[3] *See id.*

[4] *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions,* GN Docket No. 12–268, Report and Order, 29 FCC Rcd 6567 (2014) (*Incentive Auction R&O*).

[5] *Incentive Auction R&O,* 29 FCC Rcd at 6605, para. 82 (discussing how the 600 MHz Band Plan can accommodate market variation to avoid restricting the amount of repurposed spectrum that is available in most areas nationwide).

[6] *See Incentive Auction R&O,* 29 FCC Rcd at 6604–6607, paras. 81–87.

[7] 5 U.S.C. 603(b)(3).

[8] 5 U.S.C. 601(6).

[9] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and

Continued

business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[10]

34. *Television Broadcasting.* This economic census category ''comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public.'' [11] The SBA has created the following small business size standard for Television Broadcasting firms: those having $38.5 million or less in annual receipts.[12] The Commission has estimated the number of licensed commercial television stations to be 1,388.[13] In addition, according to Commission staff review of the BIA Advisory Services, LLC's *Media Access Pro Television Database* on March 28, 2012, about 950 of an estimated 1,300 commercial television stations (or approximately 73 percent) had revenues of $38.5 million or less.[14] We therefore estimate that the majority of commercial television broadcasters are small entities.

35. We note, however, that in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included.[15] Our estimate, therefore, likely overstates the number of small entities that might be affected by our action because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive to that extent.

36. In addition, the Commission has estimated the number of licensed noncommercial educational (''NCE'') television stations to be 395.[16] These stations are non-profit, and therefore considered to be small entities.[17]

37. There are also 2,414 LPTV stations, including Class A stations, and 4,046 TV translator stations.[18] Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

38. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: Transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: All such firms having 750 or fewer employees. According to Census Bureau data for 2007, there were a total of 939 establishments in this category that operated for part or all of the entire year. Of this total, 912 had less than 500 employees and 17 had more than 1000 employees. Thus, under that size standard, the majority of firms can be considered small.

39. *Audio and Video Equipment Manufacturing.* The SBA has classified the manufacturing of audio and video equipment under in NAICS Codes classification scheme as an industry in which a manufacturer is small if it has less than 750 employees. Data contained in the 2007 U.S. Census indicate that 492 establishments operated in that industry for all or part of that year. In that year, 488 establishments had fewer than 500 employees; and only 1 had more than 1000 employees. Thus, under the applicable size standard, a majority of manufacturers of audio and video equipment may be considered small.

40. *Wireless Telecommunications Carriers (except satellite).* The Census Bureau defines this category as follows: ''This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular phone services, paging services, wireless Internet access, and wireless video services.'' [19] The appropriate size standard under SBA rules is for the category Wireless Telecommunications Carriers (except Satellite). The size standard for that category is that a business is small if it has 1,500 or fewer employees.[20] For this category, census data for 2007 show that there were 1,383 firms that operated for the entire year.[21] Of this total, 1,368 firms had employment of 999 or fewer employees and 15 had employment of 1000 employees or more.[22] Similarly, according to Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, PCS, and Specialized Mobile Radio (''SMR'') Telephony services.[23] Of these, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees.[24] Consequently, the Commission estimates that approximately half or more of these firms can be considered small. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

41. This *FNPRM* proposes to establish the following reporting, recordkeeping, and compliance requirements. All wireless providers that hold licenses to

publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3).

[10] Small Business Act, 15 U.S.C. 632 (1996).

[11] U.S. Census Bureau, *2012 NAICS Definitions: 515120 Television Broadcasting, http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=515120&search=2012* (last visited Mar. 6, 2014).

[12] 13 CFR 121.201 (NAICS code 515120) (updated for inflation in 2010).

[13] *See* FCC News Release, Broadcast Station Totals as of December 31, 2013 (rel. Jan. 8, 2014), *http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0108/DOC-325039A1.pdf.*

[14] We recognize that BIA's estimate differs slightly from the FCC total given the information provided above.

[15] ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.'' 13 CFR 121.103(a)(1).

[16] *See* FCC News Release, Broadcast Station Totals as of December 31, 2013 (rel. Jan. 8, 2014), *http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0108/DOC-325039A1.pdf.*

[17] *See generally* 5 U.S.C. 601(4), (6).

[18] *See* FCC News Release, Broadcast Station Totals as of December 31, 2013 (rel. January 8, 2014), *http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0108/DOC-325039A1.pdf.*

[19] U.S. Census Bureau, *2012 NAICS Definitions: 517210 Wireless Telecommunications Carriers (except Satellite), http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517210&search=2012* (last visited Mar. 6, 2014).

[20] 13 CFR 121.201 (NAICS code 517210).

[21] U.S. Census Bureau, Table No. EC0751SSSZ5, *Information: Subject Series—Establishment and Firm Size: Employment Size of Firms for the United States: 2007* (NAICS code 517210), *http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ5.*

[22] *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with 1000 employees or more.

[23] *See Trends in Telephone Service* at Table 5.3.

[24] *See id.*

operate co-channel or adjacent channel to a television station would perform an interference analysis using the methodology in OET–74 prior to deploying a base station within the set culling distance. The rule proposes that wireless licensees retain the latest copy of its interference analysis for each co-channel or adjacent channel Partial Economic Area (PEA) license area where any of its base stations fall within the specified OET–74 culling distances and make the analysis available to the Commission or a subject television station upon request in cases where there are complaints of interference from either the subject television station, a station viewer or the Commission. In addition, in the event that a television station and a 600 MHz Band wireless licensee do not reach resolution of an interference complaint, this *FNPRM* proposes that they can submit a claim of harmful interference to the Commission. This *FNPRM* also proposes that when a 600 MHz Band wireless licensee files a construction notification, it use the ISIX Methodology for certain interference cases and the methodology in proposed OET Bulletin 74 in another interference case to demonstrate that it cannot serve its entire PEA service area, among other evidence. This *FNPRM* also tentatively concludes that broadcast licensees who operate in the 600 MHz Band can demonstrate non-interference to a wireless licensee's service area by showing that a proposed modification will not expand its contour in the direction of a co-channel or adjacent channel wireless licensee. This *FNPRM* also proposes that, in the event that a wireless provider seeks to commence operations prior to the end of the 39-month transition period and there are co-channel or adjacent-channel broadcast television stations in the wireless licensee's downlink spectrum within the culling distances specified in OET–74, the wireless provider will use OET–74 to predict whether its operations will cause harmful interference to the subject television stations. This *FNPRM* proposes to require the wireless licensee to retain the latest copy of the OET–74 study and make it available to the Commission and to a subject television station upon request if there are complaints of interference either from a subject television station, a member of the public, or the Commission.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

42. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[25]

43. The proposed reporting, recordkeeping, and compliance requirements will apply to all entities in the same manner. The Commission believes that applying the same rules equally to all entities in this context promotes fairness. The Commission does not believe that the costs and/or administrative burdens associated with the rules will unduly burden small entities. Wireless providers may use either the Commission's *TVStudy* software available for free online at *http://data.fcc.gov/download/incentive-auctions/OET-69/* or their own network planning software in which they can incorporate the Longley-Rice Fortran Code included with the *TVStudy* source code, to perform the OET–74 analysis.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

44. None.

Procedural Matters

Paperwork Reduction Act Analysis

45. This *FNPRM* contains proposed information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Ordering Clauses

46. Pursuant to the authority found in sections 1, 4, 301, 303, 307, 308, 309, 310, 316, 319, 332, and 403 of the Communications Act of 1934, as amended, and sections 6004, 6402, 6403, 6404, and 6407 of Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156, 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 332, 4031404, 1452, and 1454, and 1.2 of the Commission's rules, 47 CFR 1.2, *the Second Report and Order and Further Notice of Proposed Rule Making is adopted*.

47. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Second Report and Order and Further Notice of Proposed Rulemaking in GN Docket No. 12–268, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR part 27 and 73

Communications equipment, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 27 and 73 as follows:

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 1. The authority citation of part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302(a), 303, 307, 309, 332, 336, 337, 1403, 1404, 1451, and 1452 unless otherwise noted.

■ 2. Section 27.1310 is added to read as follows:

Subpart N—600 MHz Band

§ 27.1310 Protection of Broadcast Television Service in the 600 MHz Band from Wireless Operations.

(a) Licensees authorized to operate wireless services in the 600 MHz band must cause no harmful interference to public reception of the signal of broadcast television stations transmitting co-channel or on the adjacent channel.

(1) Such wireless operations must comply with the D/U ratios in Tables 7–13 in *OET Bulletin No. 74.* Copies of *OET Bulletin No. 74* may be inspected during normal business hours at the Federal Communications Commission, 445 12th St. SW., Reference Information Center (Room CY A257), Washington, DC 20554. This document is also available through the Internet on the *FCC Home Page* at *http://www.fcc.gov.*

[25] *See* 5 U.S.C. 603(c).

(2) If the 600 MHz band licensee causes harmful interference to the public reception of a signal of a broadcast television station that is operating co-channel or on an adjacent channel, that licensee must eliminate the harmful interference.

(b) Licensees authorized to operate wireless services in the 600 MHz band:

(1) Are not permitted to deploy wireless base stations within noise-limited service contour or protected contour of a broadcast television station licensed on a co-channel or adjacent channel in the 600 MHz Band, and

(2) Are required to perform studies to evaluate the potential for their operations to cause harmful interference to public reception of the signal of such broadcast television station using the methodology in *OET Bulletin No. 74* when they intend to deploy wireless base stations within the culling distances from the noise-limited contour or protected contour of a broadcast television station licensed on a co-channel or adjacent channel in the 600 MHz band specified in *OET Bulletin No. 74.* Licensees shall maintain records of those studies and make them available for inspection upon a claim of harmful interference to the requesting broadcasting television station or the Commission.

(c) Mobile and portable devices that operate in the 600 MHz band shall afford protection to co-channel and adjacent channel broadcast television stations in the following manner:

(1) By maintaining a minimum distance of 5 kilometers (3 miles) from co-channel broadcast television station noise-limited service or protected contours.

(2) By maintaining a minimum distance of 500 meters from adjacent-channel broadcast television station noise-limited service or protected contours (3) by not operating within the contours of a broadcast television station that is operating co-channel or adjacent channel.

(3) Licensees authorized to operate wireless services in the 600 MHz band may meet the requirements of this subparagraph by limiting their coverage to areas at least the distance prescribed by paragraphs (c)(1) through (3) outside all noise-limited service or protected contours from co-channel or adjacent broadcast television stations.

(d) For purposes of this section, broadcast television station is defined pursuant to § 73.3700(a)(1) of this chapter.

(e) For purposes of this section, co-channel operations in the 600 MHz band are defined as operations of broadcast television stations and wireless services where their assigned channels spectrally overlap. Adjacent channel operations are defined as operations of broadcast television stations and wireless services where their assigned channels spectrally abut each other or are separated by up to 5 MHz.

PART 73—RADIO BROADCAST SERVICES

■ 3. The authority citation of part 73 continues to read as follows:

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

■ 4. Sections 73.3700 is amended by adding paragraph (i) to read as follows:

§ 73.3700 Post-incentive auction aicensing and operation.

* * * * *

(i) A broadcast television station licensed in the 600 MHz band, as that is defined in § 27.57(l),

(1) Shall not be permitted to modify its facilities, if such modification will expand the noise limited service contour of a full power station or the protected contour of a Class A station in the direction of a wireless license area which is co-channel or adjacent channel to the broadcast television station;

(2) May request a waiver of paragraph (a), if

(i) A modification of the facilities is caused by extraordinary circumstances outside the broadcast television station's control, or

(ii) The broadcast television station cannot replicate its service area on the reassigned channel following the publication of the Channel Reassignment Public Notice.

Proposed OET Bulletin No. 74; Longley-Rice Methodology for Predicting Inter-Service Interference to Broadcast Television From Mobile Wireless Broadband Services in the UHF Band

I. Introduction

This Bulletin provides the methodology for prediction of interference from fixed wireless base stations in the 600 MHz downlink spectrum to digital full-power and Class A television service areas that operate co-channel or adjacent-channel to mobile wireless broadband operations. The methodology provides guidance on the implementation and use of the NTIA Institute for Telecommunications Science's Longley-Rice radio propagation model for predicting inter-service interference (ISIX) to broadcast television from mobile wireless broadband services. For broadcast television, this methodology assumes use of the Advanced Television Systems Committee's (ATSC) Digital Television (DTV) Standard, although it is possible, especially across U.S. international borders, that the National Television Systems Committee (NTSC) analog Television (TV) standard may also be used. Consideration of interference predictions from fixed wireless base stations to analog television service areas is outside of the scope of this Bulletin.

The methodology uses the Longley-Rice model for predicting field strength at receive points based on the elevation profile of terrain between the transmitter and each specific reception point. The methodology described in this Bulletin generates predictions over large areas using the broadcast mode. For practical reasons, a computer is needed to make these predictions because of the large amount of data required for each calculation. Computer code for Version 1.2.2 of the Longley-Rice radio propagation model (Longley-Rice model) is available at *http://www.its.bldrdoc.gov/resources/radio-propagation-software/itm/itm.aspx.*

II. Evaluation of Service

The service areas subject to interference calculation are defined in the FCC rules for both digital full-power and Class A television stations; the rules also specify standards for determining interference to DTV service. Because wireless services are expected to be noise-like and studies have shown that noise-like signals have interference potential nearly identical to DTV, interference protection criteria similar to those currently used for DTV-to-DTV can generally be applied with some adjustments as discussed below.

For digital full-power television stations, service is evaluated inside the noise-limited contour defined in 47 CFR 73.622(e) with the exception that the defining field strength threshold for UHF channels is modified by subtracting a frequency-dependent dipole antenna adjustment factor. Thus, the area subject to interference calculation for digital full-power TV stations consists of the area within the contours described by the geographic points at which the field strength predicted for 50% of locations and 90% of the time by FCC curves is at least as great as $41—20\log_{10}[615/(\text{channel mid-frequency in MHz})]$.

For digital Class A TV stations, service is protected only inside the ''protected contour'' defined in 47 CFR 73.6010(c), with the exception that the defining field strength threshold for UHF channels is modified by subtracting a frequency-dependent dipole antenna adjustment factor. Thus,

the area subject to interference calculation for digital Class A TV stations consists of the area within the contours described by the geographic points at which the field strength predicted for 50% of locations and 90% of time by FCC curves is at least as great as 51—20log$_{10}$[615/(channel mid-frequency in MHz)].

The service area subject to interference calculation is divided into trapezoidal cells approximately 2 kilometers on a side across a global grid. The Longley-Rice propagation model Version 1.2.2 is applied between the DTV transmitter site and a point in each cell to determine whether the predicted desired field strength is above the values identified above, for each digital full-power or Class A TV station, respectively, based on the TV station's operating channel. For cells with population, the point chosen is the population centroid, as determined using the method implemented in the FCC's *TVStudy* software implementing the Longley-Rice model—otherwise the point chosen is the geometric center of the cell and the point so determined represents the entire cell in all subsequent service and interference calculations. The station's directional transmitting antenna patterns (azimuth and elevation), if applicable, are taken into account in determining the effective radiated power (ERP) in the direction of each cell.

Longley-Rice parameter settings for the calculations specified in this Bulletin are shown in table below.

Parameter	Value	Meaning/comment
EPS	15.0	Relative permittivity of ground.
SGM (S/m)	0.005	Ground conductivity.
ZSYS	0.0	General System Elevation. Coordinated with setting of EN0.
EN0 (ppm)	301.0	Surface refractivity in N-units.
IPOL	0	Denotes horizontal polarization.
MDVAR	3	Calculation Mode (Broadcast).
KLIM	5	Climate Code (Continental Temperate).
XI (km)	0.1	Terrain sampling interval.
HG(1) (m)	30	Height of the radiation center above ground.
HG(2) (m)	10	Height of DTV receiver above ground.
Time variability (desired signal)	90%	
Time variability (undesired signal)	10%	
Location variability	50%	
Confidence variability	50%	(Also called situational variability)
Error Code (KWX = 3)	Ignore	Accept the path loss value that is returned by Longley-Rice code.

Note: HG(1) is the height of the wireless transmitting antenna radiation center above ground at its specific geographic coordinates, which may be determined by subtracting the ground elevation above mean sea level (AMSL) at the transmitter location from the height of the antenna radiation center AMSL. However, if ground elevation is retrieved from the terrain elevation database as a function of the transmitter site coordinates, then bilinear interpolation between the surrounding data points in the terrain database shall be used to determine the ground elevation. Care should be used to ensure that consistent horizontal and vertical datums are employed among all data sets.

III. Evaluation of Interference

A. Application of the Longley-Rice Model To Determine Interfering Signal Strength

The presence or absence of interference in each grid cell of the area subject to calculation is determined by further application of the Longley-Rice model. Radio paths between undesired transmitters and each global 2-kilometer grid point inside the service area are examined. The undesired transmitters included in the analysis of each cell are those which are possible sources of interference at that cell, considering their distance from the cell and frequency relationships. For each such radio path, the Longley-Rice model is applied for median situations (that is, confidence 50%), for 50% of locations, 10% of the time for the prediction of potential interference to TV receivers. In those cases that error code 3 occurs, the predicted interfering field strength nevertheless is to be accepted in determining whether there is interference at that location.

B. Areas of Potential Interference

To determine whether the placement of a wireless base station at a particular location would cause interference to any TV station, information about each site in a planned wireless base station deployment is required. Specifically, actual values are required for:

- Effective radiated power (ERP),
- geographic location, and
- antenna height above average terrain (HAAT)

The wireless transmit antennas may conservatively be assumed to be non-directional in both the azimuth and elevation directions, as these may be simpler to implement. However, actual antenna azimuth and elevation patterns for each planned wireless base station site may be used for increased accuracy by importing these patterns into the software implementing the Longley-Rice model and setting the azimuth orientation (N ° E, T) on a site-by-site basis.

The interference analysis for TV reception examines only those cells across the global 2-kilometer grid within the area subject to calculation that have already been determined to have a desired field strength above the threshold for reception referenced above in Section II, as appropriate. A cell on the global 2-kilometer grid is counted as receiving interference to TV if the ratio of the desired field to that of the square root of the sum of the squares (root-sum-square, or RSS) of all of an individual wireless licensee's undesired wireless interference sources within the appropriate culling distances, defined below, is less than the minimum D/U threshold value for the corresponding spectral overlap between the TV and wireless channels. The comparison is made after applying the discrimination effect of the receiving TV antenna.

C. DTV D/U Ratios for Co-Channel and Adjacent Channel Operations

Thresholds of interference using the ratio of desired to undesired field strength to protect DTV reception from wireless co-channel interference are computed from the following formula:

$$\text{Wireless-into-DTV D/U} = 15 + \Delta + \alpha - \text{OFR} \qquad \text{(Eq. 1)}$$

Where:

$$\Delta = \begin{cases} 1 & \text{co-channel (spectral overlap} > 0\text{ MHz)} \\ 0 & \text{adjacent-channel (spectral overlap} \leq 0\text{ MHz)} \end{cases}$$

$$\propto = 10Log_{10}\left[\frac{1}{\left(1-10^{-x/10}\right)}\right] x = \text{S/N} - 15.19\text{ dB}$$

OFR = Off-frequency rejection (see Table 4)

Because a 5 MHz wireless channel and a 6 MHz DTV channel may not always fully overlap, the total wireless power in the TV channel is a function of the degree of spectral overlap, expressed in integer megahertz (MHz). In Table 1, a fully co-channel scenario would correspond to 5 MHz of transmitter/receiver overlap, while a first-adjacent situation would correspond to 0 MHz of overlap. Partial co-channel overlaps correspond to values of 1, 2, 3, and 4 MHz. Negative overlap values define the amount of frequency separation between channel edges in the adjacent-channel cases. The co-channel values at 5 MHz may be used where there is more than 5 MHz of overlap. Wireless operations with frequency separations more than 5 MHz between channel edges or distance separations greater than the culling distances beyond a DTV station's noise-limited or protected contour, for full-power and Class A stations, respectively, are not evaluated for interference because the probability of interference beyond those values for each height and/or power combination specified in Table 3 through Table 9 below is unlikely.

TABLE 1—CALCULATED OFF-FREQUENCY REJECTION (OFR) VALUES FOR WIRELESS BASE STATION INTO DTV

Overlap in MHz OFR (dB)	5	4	3	2	1	0	−1	−2	−3	−4	−5
Downlink into DTV	0	0.9	2.2	3.9	6.7	17.0	33	33	33	33	33

The values for off-frequency rejection (OFR) were derived using NTIA's MSAM FDR computer program using FCC's emission limits, and DTV receiver performance standards published by ATSC for the first-adjacent channel.

To protect DTV reception from wireless downlink interference at various degrees of spectral overlap, the minimum threshold D/U ratios are shown in Table 2. These were derived using Equation 1 and the OFR values from Table 1. Values of α vary for each cell and are determined by the predicted desired field strength in each cell, the DTV planning factors, and the S/N of Equation 2.

TABLE 2—THRESHOLD INTERFERING D/U RATIOS FOR WIRELESS BASE STATION INTO DTV

Spectral Overlap (MHz)	5	4	3	2	1	0	−1 to −5
Downlink into DTV D/U Required (dB)	16.0 + α	15.1 + α	13.8 + α	12.1 + α	9.3 + α	−2.0 + α	−18 + α

D. DTV Planning Factors

The field strength values identified in Section II define the area subject to interference calculations for full-power and Class A UHF DTV stations, respectively. These field strengths are based on the DTV planning factors for UHF provided in OET Bulletin No. 69, which are assumed to characterize the equipment, including antenna systems, used for consumer reception at fixed locations. They determine the minimum field strength for DTV reception in the UHF band.

For UHF, the dipole adjustment factor, $K_a = 20\log_{10}[615/(\text{channel mid-frequency in MHz})]$, is added to K_d in each case to account for the fact that field strength requirements are greater for UHF channels above the geometric mean frequency of the historically defined UHF TV band (*i.e.,* channels 14–69) and smaller for UHF channels below that mean frequency. The geometric mean frequency, 615 MHz, is approximately the mid-frequency of TV channel 38. By applying the planning factors and using the Longley-Rice model to predict the desired field strength ''E,'' the predicted signal-to-noise ratio (S/N) is then calculated from the formula:

$$\text{S/N} = E + K_d + K_a + G - L - N_t - N_s \qquad \text{(Eq. 2)}$$

The predicted S/N value associated with the field strength of the desired signal in each cell is used, based on the TV station's operating channel, to determine the applicable interference threshold using Table 2 and the planning factors.

E. DTV Receiving Antenna Pattern

The TV receiving antenna is assumed to have a directional gain pattern which tends to discriminate against off-axis undesired stations. This pattern is a planning factor affecting the receiver's susceptibility to interference. A working group of the FCC Advisory Committee for Advanced Television Service chose

the specific form of this pattern. The discrimination, in relative field, provided by the assumed TV receiving pattern is a fourth-power cosine function of the angle between the lines joining the desired and undesired stations to the reception point. One of these lines goes directly to the desired station, the other goes to the undesired station. The discrimination is calculated as the fourth power of the cosine of the angle between these lines but never more than represented by the front-to-back ratio of 14 dB for UHF. When both desired and undesired stations are on the receive antenna's boresight, the angle is 0.0 giving a cosine of unity so that there is no discrimination. When the undesired station is somewhat off-axis, the cosine will be slightly less than unity and the resulting interference field strength is reduced accordingly by this value (while the desired field strength remains unchanged); when the undesired station is far off-axis, the maximum discrimination given by the 14 dB front-to-back ratio is attained, and the resulting interference field strength is reduced by 14 (while the desired field strength still remains unchanged).

F. Identification of Potentially Interfering Stations

Potential sources of interference are identified as a function of distance for the given ERP, HAAT, and frequency relationship in terms of spectral overlap of each site in a planned wireless deployment. Spectral overlap is defined as the frequency separation between channel edges of a wireless block and DTV channel. For wireless bandwidths larger or smaller than 5 MHz, interference evaluations need only consider the separation between the occupied portions of each 5 MHz block.

The interference analysis is performed independently for each cell in the DTV service area subject to calculation. Only those wireless base stations with transmitter sites at distances less than the culling distance (corresponding to the wireless base station ERP, HAAT, and spectral overlap) from the edge of a DTV station noise-limited or protected contour are to be considered in the interference analysis. Table 3 through Table 9 specify these culling distances, which were derived based on the distance to the UHF F(50,10) {OFR (dB) + 18} dBμV/m contour, depending on the OFR for each spectral overlap case.

TABLE 3—CULLING DISTANCES (IN KM) FROM DTV NOISE-LIMITED OR PROTECTED CONTOUR

(spectral overlap ≥ 5 MHz)

HAAT (m):	ERP (kW) per 5 MHz block:								
	5	4	3	2	1	0.75	0.5	0.25	0.1
305	209	204	196	186	169	163	153	136	115
200	197	191	183	174	158	151	141	125	104
150	190	184	178	168	152	145	135	119	98
100	183	178	171	160	144	137	127	111	91
80	180	174	166	156	140	133	123	107	86
65	176	170	163	153	137	130	120	104	83
50	172	167	159	150	133	126	117	100	80
35	168	162	155	145	129	122	113	97	76

TABLE 4—CULLING DISTANCES (IN KM) FROM DTV NOISE-LIMITED OR PROTECTED CONTOUR

[spectral overlap = 4 MHz]

HAAT (m):	ERP (kW) per 5 MHz block:								
	5	4	3	2	1	0.75	0.5	0.25	0.1
305	205	199	192	181	166	159	148	132	111
200	192	186	179	169	153	146	137	121	100
150	185	180	173	164	147	140	131	115	94
100	179	173	166	156	139	132	123	107	86
80	175	169	162	152	136	128	119	103	82
65	171	166	158	149	132	125	116	99	79
50	168	162	155	146	129	122	112	96	76
35	163	158	151	141	125	118	108	92	73

TABLE 5—CULLING DISTANCES (IN KM) FROM DTV NOISE-LIMITED OR PROTECTED CONTOUR

[spectral overlap = 3 MHz]

HAAT (m):	ERP (kW) per 5 MHz block:								
	5	4	3	2	1	0.75	0.5	0.25	0.1
305	197	191	183	173	158	150	141	124	104
200	183	178	171	162	146	139	129	113	93
150	178	172	166	156	140	133	123	108	87
100	171	165	158	149	131	124	116	100	79
80	167	161	154	145	127	121	112	96	75
65	163	158	151	142	125	118	108	92	73
50	159	154	148	138	121	114	105	89	70
35	155	150	143	133	117	110	101	85	66

TABLE 6—CULLING DISTANCES (IN KM) FROM DTV NOISE-LIMITED OR PROTECTED CONTOUR

[spectral overlap = 2 MHz]

HAAT (m):	ERP (kW) per 5 MHz block:								
	5	4	3	2	1	0.75	0.5	0.25	0.1
305	187	181	174	166	148	141	132	116	97
200	174	170	163	153	137	130	121	105	86
150	169	164	157	147	131	124	115	99	80
100	161	156	149	140	123	116	107	91	73
80	157	152	146	136	119	112	103	87	69
65	154	149	143	132	116	109	100	84	66
50	151	146	139	129	112	105	96	81	63
35	146	141	134	125	108	102	92	77	60

TABLE 7—CULLING DISTANCES (IN KM) FROM DTV NOISE-LIMITED OR PROTECTED CONTOUR

[spectral overlap = 1 MHz]

HAAT (m):	ERP (kW) per 5 MHz block:								
	5	4	3	2	1	0.75	0.5	0.25	0.1
305	171	166	160	149	133	126	116	102	87
200	159	154	147	138	121	115	105	91	75
150	153	148	141	131	116	109	100	85	69
100	146	140	133	123	108	101	92	77	63
80	142	136	129	120	104	97	88	73	60
65	139	133	126	116	100	94	84	71	57
50	135	130	123	113	97	90	81	67	54
35	131	125	119	109	93	87	78	64	51

TABLE 8—CULLING DISTANCES (IN KM) FROM DTV NOISE-LIMITED OR PROTECTED CONTOUR

[spectral overlap = 0 MHz]

HAAT (m):	ERP (kW) per 5 MHz block:								
	5	4	3	2	1	0.75	0.5	0.25	0.1
305	115	110	104	97	86	82	76	68	59
200	104	99	93	85	73	70	65	59	52
150	98	93	87	79	68	65	61	55	48
100	90	85	79	72	62	59	55	49	42
80	86	81	75	69	59	56	52	46	38
65	83	78	73	66	56	53	49	43	36
50	80	75	70	62	53	50	46	40	33
35	76	72	66	59	50	46	42	35	28

TABLE 9—CULLING DISTANCES (IN KM) FROM DTV NOISE-LIMITED OR PROTECTED CONTOUR

[spectral overlap <0, ≥ −5 MHz]

HAAT (m):	ERP (kW) per 5 MHz block:								
	5	4	3	2	1	0.75	0.5	0.25	0.1
305	61	59	57	53	48	46	43	37	31
200	53	52	50	47	42	39	37	32	26
150	49	48	46	42	37	35	32	28	23
100	43	42	39	37	32	30	27	23	18
80	40	38	36	33	29	27	25	21	16
65	37	36	34	31	26	25	22	18	14
50	34	33	30	28	23	22	19	15	12
35	29	28	26	23	19	17	15	13	10

G. Engineering Databases

DTV Engineering Data. Engineering data for TV stations in the U.S. (including full-power DTV and Class A) is available from the FCC. Data for individual stations can be found at *http://www.fcc.gov/mb/video/tvq.html,* and consolidated data for all authorized stations can be found at *ftp://ftp.fcc.gov/pub/Bureaus/MB/Databases/cdbs/.* Where more than one authorization exists for a particular station, the record associated with the facility actually operating shall be used. Where specific elevation pattern data are not provided in the engineering data, a generic elevation pattern may be used as

described generally in OET Bulletin No. 69 or in the rules. The generic elevation pattern should, however, be offset by the amount of electrical beam tilt specified in the CDBS.

[FR Doc. 2014–29688 Filed 12–19–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 14–245, RM–11740; DA 14–1761]

Television Broadcasting Services; Longview, Texas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by KCEB License Company, LLC (''KCEB License''), the licensee of KCEB(TV), channel 51, Longview, Texas, requesting the substitution of channel 26 for channel 51 at Longview. While the Commission instituted a freeze on the acceptance of full power television rulemaking petitions requesting channel substitutions in May 2011, it subsequently announced that it would lift the freeze to accept such petitions for rulemaking seeking to relocate from channel 51 pursuant to a voluntary relocation agreement with Lower 700 MHz A Block licensees. KCEB License has entered into such a voluntary relocation agreement with T-Mobile USA, Inc. and states that operation on channel 26 would eliminate potential interference to and from wireless operations in the adjacent Lower 700 MHZ A Block.

DATES: Comments must be filed on or before January 21, 2015, and reply comments on or before February 5, 2015.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Tom W. Davidson, Esq., Akin Gump Strauss Hauer & Feld, LLP, 1333 New Hampshire Avenue NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, *Joyce.Bernstein@fcc.gov,* Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 14–245, adopted December 8, 2014, and released December 8, 2014. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via email *www.BCPIWEB.com.* To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an email to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts (other than *ex parte* presentations exempt under 47 CFR 1.1204(a)) are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1208 for rules governing restricted proceedings.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

Proposed Rules

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Texas is amended by adding channel 26 and removing channel 51 at Longview.

[FR Doc. 2014–29916 Filed 12–19–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 350

[Docket No. FMCSA–2014–0470]

State Inspection Programs for Passenger-Carrying Vehicles; Listening Sessions

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of public listening sessions.

SUMMARY: FMCSA announces that it will hold two public listening sessions on January 13 and 18, 2015, to solicit information concerning section 32710 of the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141, MAP–21). This provision requires FMCSA to complete a rulemaking proceeding to consider requiring States to establish a program for annual inspections of commercial motor vehicles (CMVs) designed or used to transport passengers. Additionally, under MAP–21, FMCSA must assess the risks associated with improperly maintained or inspected CMVs designed or used to transport passengers; the effectiveness of existing Federal standards for the inspection of such vehicles in mitigating the risks associated with improperly maintained vehicles and ensuring the safe and proper operation condition of such vehicles; and the costs and benefits of a mandatory inspection program. Any data regarding this topic would be appreciated.

The January 13, 2015, session will be held at the American Bus Association's (ABA) Marketplace conference in St. Louis, Missouri. The January 18, 2015, session will be held at the United Motorcoach Association (UMA) Expo 2015 conference in New Orleans,

Louisiana. All comments will be transcribed and placed in the docket referenced above for FMCSA's consideration. The entire proceedings for both days will be webcast.

DATES: The listening sessions will be held on Tuesday, January 13, 2015, from 9:30 a.m. to 11:30 a.m. and 2:30 p.m. to 4:30 p.m., Local Time, and on Sunday, January 18 from 1:30 p.m. to 4 p.m., Local Time.

ADDRESSES: The January 13 listening session will be held at the America's Center, 701 Washington Ave., St. Louis, MO 63101, in Room 123. The January 18 session will be held at the Ernest N. Morial Convention Center, 900 Convention Center Blvd., New Orleans, LA 70130, in Room 235–236. In addition to attending the session in person, the Agency offers several ways to provide comments, as enumerated below.

Internet Address for Live Webcast. FMCSA will post specific information on how to participate via the Internet on the FMCSA Web site at *www.fmcsa.dot.gov* in advance of the listening sessions.

You may submit comments identified by Docket Number FMCSA–2014–0470 using any of the following methods:

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

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received, without change, to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below. To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

- *Docket:* For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The online Federal document management system is available 24 hours each day, 365 days each year. If you would like acknowledgment that the Agency received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

FOR FURTHER INFORMATION CONTACT: Shannon L. Watson, Senior Policy Advisor, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001 or by telephone at 202–366–2551. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

If you need sign language interpretation or any other accessibility accommodation, please contact Ms. Watson by Monday, January 5, 2015, to allow us to arrange for such services. FMCSA cannot guarantee that interpreter services requested on short notice will be provided.

SUPPLEMENTARY INFORMATION:

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2014–0470), and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2014–0470, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may draft a request for further comment to support consideration of further regulatory action.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2014–0470, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Background

On July 6, 2012, the President signed MAP–21 into law. The new law included certain requirements concerning State inspection programs for passenger-carrying vehicles (*e.g.,* motorcoaches). Specifically, Section 32710 requires the Secretary of Transportation to complete a rulemaking proceeding to consider requiring States to establish a program for annual inspections of CMVs designed or used to transport passengers. FMCSA must also include an assessment of the following: (1) The risks associated with improperly maintained or inspected CMVs designed or used to transport passengers; (2) the effectiveness of existing Federal standards for the inspection of such vehicles in—(a) mitigating the risks associated with improperly maintained vehicles; and (b) ensuring the safe and proper operation condition of such vehicles; and (3) the costs and benefits of a mandatory inspection program. Any data with regard to the topic would be appreciated.

To help inform consideration of the MAP–21 requirements, the Agency believes it would be helpful to conduct a series of public listening sessions to provide all interested parties the

opportunity to share their views on the subject.

The Agency requests information on the following questions:

• Does your State or the States in which you domicile buses conduct mandatory bus inspections? Are these inspections conducted annually and by State employees or 3rd party inspectors? If conducted by 3rd party inspectors, what oversight is or should be required? What is the cost of these inspections?

• If your State imposes mandatory inspection of buses, how do you assess the effectiveness of such inspections? For example, have you measured the occurrence of bus-involved crashes, injuries and/or fatalities before and after the imposition of a mandatory inspection requirement?

• Which vehicle defects are most prevalent at these inspections? What conclusions do you draw from the results of these inspections?

• Where should these inspections be performed? At a ''brick and mortar'' facility or at the carrier's place of business? If at the carrier's place of business, what accommodations must be made to ensure appropriate access (*e.g.* pits, lifts, etc.) to conduct full inspections of motorcoaches and other large vehicles? What should the fees be for the various types of inspections?

• How much does it cost to establish and run inspection programs on an annual basis? Would self-inspection or 3rd party inspections be an option to a State inspection? How would the costs differ? Do you envision other more preferable options?

• Should States allow fleets to self-inspect? How many fleets use their own mechanics, as opposed to 3rd party inspectors, to conduct bus inspections?

• Has your State or organization collected data related to crashes, injuries and/or fatalities attributable to improperly maintained or inspected buses? If so, what conclusions have you drawn from that data?

II. Meeting Participation and Information FMCSA Seeks From the Public

The listening sessions are open to the public. Speakers should try to limit their remarks to 3–5 minutes. No preregistration is required. Attendees may submit material to the FMCSA staff at the session for inclusion in the pubic docket referenced at the beginning of this notice.

FMCSA will docket the transcripts of the webcast and a separate transcription of the listening session will be prepared by an official court reporter.

Issued on: December 15, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–29853 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register

Vol. 79, No. 245

Monday, December 22, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

December 15, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of Procurement and Property Management

Title: Guidelines for the Transfer of Excess Computer or Other Technical Equipment Pursuant to Section 14220 of the 2008 Farm Bill

OMB Control Number: 0505–0023.

Summary of Collection: In accordance with procedures in the Federal Management regulation, Subpart 102–36.295, each agency is responsible for submitting an annual report to the General Services Administration of all personal property furnished to non-Federal recipients. Respondents will be authorized representatives of a city, town, or local government entity located in a rural area as defined in 7 U.S.C. 1991(a)(13)(A).

Need and Use of the Information: USDA requires information to: verify eligibility of requestors; determine availability of excess property; have contact information of the requestor available; and to ensure an organization is designated to receive property on behalf of an eligible recipient. Information is collected via letters from requestors. The request must include: (1) Type of excess computers or other technical equipment requested; (2) Justification for eligibility; (3) Contact information of the requestor; (4) Logistical information such as when and how the property will be picked up; and (5) Information on the recipient's designated organization that will receive and refurbish the property for the recipient.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 10.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–29798 Filed 12–19–14; 8:45 am]

BILLING CODE 3410–TX–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of Request for Extension and Revision of a Currently Approved Information Collection: Advisory Committee and Research and Promotion Background Information

AGENCY: Department of Agriculture.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the U.S. Department of Agriculture's (USDA) intention to request an extension for and a revision to the currently approved Advisory Committee and Research and Promotion Background Information collection form. The revised form will now require applicants to indicate their lobbyist status. The primary objective is to determine the qualifications, suitability, and availability of a candidate to serve on advisory committees and/or research and promotion boards.

DATES: Comments on this notice must be received by *February 20, 2015* to be assured of consideration.

ADDRESSES: USDA invites interested persons to submit comments on this notice. Comments may be submitted through one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the online instructions at that site for submitting comments.
- *Mail, including CD–ROMs:* White House Liaison Office, U.S. Department of Agriculture, 1400 Independence Avenue SW., the Whitten Building, Room 507–A, Washington, DC 20250–3700. Hand- or courier-delivered submittals: Deliver to White House Liaison Office, U.S. Department of Agriculture, 1400 Independence Avenue SW., the Whitten Building, Room 507–A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or email must include the Agency name and docket number. Comments received in response to this notice will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Cikena Reid, Committee Management Officer, Office of the Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW., the Whitten Building, Room 507–A, Washington, DC 20250; telephone: 202–720–2406; email: *Cikena.Reid@osec.usda.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the U.S. Department of Agriculture's (USDA) intention to request an extension for and a revision to the Advisory Committee and Research and Promotion Background Information collection form. Federally registered lobbyists are permitted to serve on advisory committees and boards as ''representatives.'' Therefore, the revised form will now require applicants to indicate their lobbyist status. The primary objective is to determine the qualifications, suitability, and availability of a candidate to serve on advisory committees and/or research and promotion boards.

Title: Advisory Committee and Research and Promotion Background Information.

OMB Number: 0505–0001.

Expiration Date of Approval: May 31, 2015.

Type of Request: Extension and Revision of a currently approved information collection document.

Abstract: The primary objective is to determine the qualifications, suitability, and availability of a candidate to serve on advisory committees and/or research and promotion boards. The information will be used both to conduct background clearances on the candidates and to compile annual reports regarding membership.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 30 minutes per response.

Respondents: Individuals.

Estimated Number of Respondents: 2419.

Estimated Number of Responses per Respondent: One (1).

Estimated Total Annual Burden on Respondents: 1210.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent Cikena Reid, Committee Management Officer, Office of the White House Liaison, 1400 Independence Avenue SW., the Whitten Building, Room 507–A, Washington, DC 20250; fax: 202–720–9286; or email: *Cikena.Reid@osec.usda.gov.* Comments must be postmarked 10 business days prior to the deadline to ensure timely receipt.

All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Signed: December 11, 2014.

Thomas J. Vilsack,

Secretary of Agriculture.

[FR Doc. 2014–29806 Filed 12–19–14; 8:45 am]

BILLING CODE 3410–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

21st Century Conservation Service Corps Partnership Opportunity

AGENCY: Forest Service, USDA.

ACTION: Notice of interest to participate in the 21st Century Conservation Service Corps.

SUMMARY: The 21st Century Conservation Service Corps (21CSC) National Council is requesting letters of interest from all conservation corps, youth, and veteran programs that would like to be identified as a 21CSC member organization. We are initiating this outreach in order to catalyze the establishment of a 21st Century Conservation Service Corps (21CSC) to engage young Americans and returning veterans in the conservation and stewardship of America's public lands and water. This notice seeks to establish the 21CSC by building upon and leveraging the experience and expertise of existing Federal, State, tribal, local and non-profit conservation and youth corps, and veterans programs. These programs facilitate conservation and restoration service work on public lands to include all governmental entities of cities, counties, States, and the Federal Government, and encourage a new generation of natural resource managers and environmental stewards. All principals of interested organizations are invited to submit a letter of interest that outlines the organization's and/or program's alignment with the criteria in each of the eight 21CSC principles listed below under **SUPPLEMENTARY INFORMATION**. Letters should include the name of your organization; an address and point of contact, including email address; and a description of how your organization or program aligns with all eight principles.

Organizations that respond to this request may be contacted at a later date to provide additional information to support their statements. The 21CSC National Council will oversee the review of all submissions to determine the respondent's alignment with the 21CSC principles. Organizations that are not recognized as 21CSC member organizations may submit new letters of interest. Letters of interest may be submitted up on a rolling basis for consideration as a 21CSC member organization, and will be reviewed and responded to on a rolling basis. Organizations may request to be removed from the 21CSC by submitting a written request to the email or mailing address below. *The 21CSC member organizations recognized through this process will be acknowledged by all members' departments and agencies represented in the National Council. National Council membership includes the Departments of Agriculture, Army, Commerce, Interior, and Labor, the Environmental Protection Agency, the President's Council on Environmental Quality, and the Corporation for National and Community Service.*

DATES: Letters of interest may be submitted on a rolling basis (maximum 5 pages, double-spaced in Times/New Roman, 12 point type). An interagency team will review submissions as they are received and respond soon thereafter. Organizations may be removed at any time by submitting a written request to the email or mailing address below. Membership will last until new procedures to identify 21CSC member organizations are established.

ADDRESSES: Letters of interest may be submitted electronically to *21CSC@fs.fed.us.* If electronic submission is not an option, please send your letter of interest to: USDA Forest Service, RHVR, ATTN: Merlene Mazyck, 1400 Independence Ave. SW., Mailstop Code: 1125, Washington, DC 20250–1125.

FOR FURTHER INFORMATION CONTACT: USDA Forest Service, RHVR, ATTN:

Merlene Mazyck, 1400 Independence Ave. SW., Mailstop Code: 1125, Washington, DC 20250–1125 or email *21CSC@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

21CSC National Council

The implementation of the 21CSC is coordinated by a National Council of representatives from Federal agencies that formalized their mission through the signing a Memorandum of Understanding in January 2013. National Council membership includes leadership from the Departments of the Army, Interior, Agriculture, Commerce, and Labor, Environmental Protection Agency, the President's Council on Environmental Quality, and the Corporation for National and Community Service. The National Council will work to: Support program expansion, including by matching natural resource management needs with 21CSC opportunities and identifying potential sources of funding and other resources; remove barriers and streamline processes for supporting 21CSC programs; Support participant pathways to careers; facilitate technical assistance; develop and support partnerships; coordinate messaging; and ensure national representation.

Background

The 21CSC is a bold national effort to put America's youth and veterans to work protecting, restoring, and enhancing America's Great Outdoors. Recognizing the need for job opportunities for youth and returning veterans, the need for restoration of our natural resources, the need to connect Americans to the country's lands and waters, the need to effectively recruit the next generation of public employees, and the need to develop the next generation of conservation stewards, the Secretary of the Department of Interior, on behalf of the America's Great Outdoors Council, formed a Federal Advisory Committee (FAC) to develop recommendations for the establishment of the 21CSC. The FAC was comprised of representatives from Federal agencies, the outdoor industry, and non-profit youth and conservation corps. In addition to providing recommendations, the FAC also identified 21CSC goals and principles, which were slightly modified and adopted by the Federal 21CSC National Council.

21CSC Goals

1. *Build America's future.* Through service to America, the 21CSC will develop a generation of skilled workers, educated and active citizens, future leaders, and stewards of natural and cultural resources, communities, and the nation.

2. *Put Americans to work.* The 21CSC will provide service, training, education, and employment opportunities for thousands of young Americans and veterans, including low income, disadvantaged youth and other youth with limited access to outdoor work opportunities.

3. *Preserve, protect, and promote America's greatest gifts.* The 21CSC will protect, restore, and enhance public and tribal lands and waters as well as natural, cultural, and historical resources and treasures. With high-quality, cost-effective project work, the 21CSC will increase public access and use while spurring economic development and outdoor recreation.

21CSC Principles

21CSC member organizations must be in alignment with the criteria in each of the following 21CSC Principles:

1. *Population served.* Program serves young people ages 15–25 and/or military veterans up to age 35. Program may serve young people up to age 29 in an advanced capacity.

2. *Participant eligibility.* Participants must be a U.S. citizen, national, or lawful permanent residents alien of the United States, meeting the same citizenship requirements as those for serving in AmeriCorps and Public Lands Corps.

3. *Emphasis on diversity and inclusion.* Participant recruitment should make deliberate outreach efforts to traditionally underserved communities, including low-income and disadvantaged populations.

4. *Term of service.* Program minimum term of service: 140 hours of on-the-ground, hands-on direct service for full time students and summer only participants; or, 300 hours of on-the-ground, hands-on direct service for non-full time student participants. Program maximum term of service of 3,500 hours of on-the-ground, hands-on direct service, with a limited exception for program elements that require more than 3,500 hours to achieve highly advanced outcomes. Service is compensated (not volunteer). Compensation can be in the form of wages, stipend, educational credit, or other appropriate form.

5. *Organization of work.* Program organizes its participants as either: (a) Crew-based where participants work collectively and intensely together directly supervised by trained and experienced crew leaders or conservation professionals; or (b) individual or small team-based where participants work individually or in coordinated teams under the direction of conservation professionals on initiatives that require specific skills and dedicated attention.

6. *Types of work.* Projects include significant outdoor activity and/or include ''hands-on'' direct impact and/or helps young people connect with America's Great Outdoors. Some programs may include work that is primarily indoors—for example, science, policy or program internships—that have a clear benefit to natural, cultural or historic resources.

7. *Participant outcomes.* Program provides: a) Job skill development to prepare participants to be successful in the 21st century workforce; b) community skill development to help participants acquire an ethic of service to others and learn to become better resource and community stewards; and c) a connection, improvement or restoration of the natural or cultural/urban environment or a greater understanding of our natural, cultural or historic resources.

8. *Leveraged investment.* Program leverages public investment through either financial or in-kind support, to the extent possible. Exceptions may be made to support new, smaller, or Federal programs that increase diversity and inclusion.

21CSC Member Organization Benefits & Caveats

Through this ''notice of interest'' process, all respondents that currently meet each of the criteria listed in all 21CSC principles will be designated as a 21CSC member organization. Designation as a 21CSC member organization is not a commitment of funding or future partnership opportunities, however this designation may result in the following benefits to and limitations for member organizations and the Federal agencies represented on the 21CSC National Council.

1. Access to a national network of 21CSC member organizations.

2. Identification on a Web site as a 21CSC member organization.

3. Ability to utilize the 21CSC brand to promote affiliation as a member organization.

4. Career and youth development opportunities with Federal agencies for participants of member organizations, where available.

5. Opportunities to participate in webinars and other outreach to agency field staff to increase awareness of how agency natural, cultural or historic resource management needs can be supported or met by youth and veterans conservation corps, where appropriate.

6. Neither this announcement, nor letters of interest submitted in response to this announcement, obligates any Federal agency represented on the 21CSC National Council to enter into a contractual agreement with any respondent.

7. Federal agencies represented on the 21CSC National Council reserve the right to establish a partnership based on organizational priorities and capabilities found by way of this announcement or other searches, if determined to be in the best interest of the government.

8. This Notice does not preclude any Federal agencies from entering into agreements or partnerships with non-21CSC organizations.

9. The 21CSC National Council expects that aggregate data from all the participating Federal agencies regarding 21CSC accomplishments will be required for annual Performance Accountability Reports. 21CSC member organizations should be prepared to report informational data and accomplishments outcomes on an annual basis. Data collection may include information such as: Project/program type; project location; project outcomes; participant outcomes; funding amount/resources; age range of participants; number of youth engaged; number of veterans engaged; number of hours participants worked; number of participants converted to jobs, and so forth.

Key Notice Dates & Highlights: An interagency team will review submissions as they are received and respond as quickly as possible. Organizations may be removed at any time by written request. Membership will last until otherwise notified; new information regarding membership will be posted in the **Federal Register** Notice and on the 21CSC.org Web site. The 21CSC member organizations recognized through this process will be acknowledged by all signatories to the National Council Memorandum of Understanding.

Dated: December 17, 2014.

Leslie A.C. Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2014–29914 Filed 12–19–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1960]

Reorganization of Foreign-Trade Zone 122, (Expansion of Service Area), under Alternative Site Framework, Corpus Christi, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Port of Corpus Christi Authority, grantee of Foreign-Trade Zone 122, submitted an application to the Board (FTZ Docket B–51–2014, docketed 07–18–2014) for authority to expand the service area of the zone to include Refugio County, Texas, as described in the application, adjacent to the Corpus Christi Customs and Border Protection port of entry;

Whereas, notice inviting public comment was given in the **Federal Register** (79 FR 43391, 07–25–2014) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 122 to expand the service area under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Signed at Washington, DC, this 15th day of December 2014.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–29927 Filed 12–19–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–839]

Certain Polyester Staple Fiber From the Republic of Korea: Final Results of Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 20, 2014, the Department of Commerce (the Department) published the notice of the preliminary results of this changed circumstances review (CCR) of the antidumping duty order on certain polyester staple fiber (PSF) from the Republic of Korea (Korea), in which the Department preliminarily determined that Toray Chemical Korea Inc. (Toray) is the successor-in-interest to Woongjin Chemical Co., Ltd. (Woongjin).[1] No interested party commented on the *Preliminary Results,* and there is no other information or evidence on the record that calls into question the Department's *Preliminary Results.* Thus, the Department continues to find that Toray is the successor-in-interest to Woongjin.

DATES: Effective December 22, 2014.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–1391.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2000, the Department published notice of an antidumping duty order on PSF from Korea in the **Federal Register**.[2] On July 2, 2014, Toray requested that the Department conduct a CCR pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b) to determine whether it is the successor-in-interest to Woongjin for purposes of the *Order.*[3] On August 20, 2014, the Department initiated this

[1] *See Certain Polyester Staple Fiber from the Republic of Korea: Preliminary Results of Changed Circumstances Review,* 79 FR 62595 (October 20, 2014) (*Preliminary Results*), and the accompanying Preliminary Decision Memorandum (PDM).

[2] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan,* 65 FR 33807 (May 25, 2000) (*Order*).

[3] *See* Letter from Toray, ''Certain Polyester Staple Fiber from the Republic of Korea,'' (July 2, 2014).

CCR.[4] On October 20, 2014, the Department published the *Preliminary Results,* in which it preliminarily determined that Toray is the successor-in-interest to Woongjin.[5] The Department invited interested parties to comment on the *Preliminary Results.*[6] No interested party commented on the *Preliminary Results* or requested a hearing.[7]

Scope of the Order

The product covered by the order is certain PSF. Certain PSF is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to the order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture.

Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 5503.20.0020 is specifically excluded from the order. Also specifically excluded from the order are PSF of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from the order. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to this order is classified in the HTSUS at subheadings 5503.20.0040 and 5503.20.0060. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of these orders is dispositive.

Final Results of Changed Circumstances Review

Because no interested party commented on the *Preliminary Results* and there is no other information or evidence on the record that calls into question the Department's *Preliminary Results,* the Department adopts the reasoning and findings of fact in the *Preliminary Results* as the final results of the review.[8] Thus, the Department continues to find that Toray is the successor-in-interest to Woongjin for the purpose of determining antidumping duty liability.

Instructions to U.S. Customs and Border Protection

As a result of this determination, the Department finds that entries of subject merchandise exported by Toray should enter the United States at the cash deposit rate assigned to Woongjin in the most recently completed administrative review of the antidumping duty order on PSF from Korea, which is 2.13 percent *ad valorem.*[9] Consequently, the Department will instruct U.S Customs and Border Protection to collect estimated antidumping duties for all shipments of subject merchandise exported by Toray and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at the cash deposit rate currently in effect for Woongjin. This cash deposit requirement shall remain in effect until further notice.

Notifications

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216(e).

Dated: December 12, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–29921 Filed 12–19–14; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Certain Polyester Staple Fiber from the Republic of Korea: Initiation of Changed Circumstances Review,* 79 FR 49285 (August 20, 2014) (*Initiation Notice*).

[5] *See Preliminary Results,* 79 FR at 62596; *see also* PDM at 2–7.

[6] *See Preliminary Results,* 79 FR at 62596–97.

[7] Toray did not request a hearing, but informed the Department of its intent to participate if another interested party requested such a hearing. *See* Letter from Toray, ''Certain Polyester Staple Fiber from the Republic of Korea: Request to Participate in Hearing'' (November 19, 2014).

[8] For a complete discussion of the Department's findings, see generally PDM, which is herein incorporated by reference and adopted by this notice.

[9] *See Notice of Amended Final Results of Antidumping Duty Administrative Review: Certain Polyester Staple Fiber from Korea,* 69 FR 67891, 67891 (November 22, 2004) (providing weighted-average dumping margin for Woongjin's predecessor, Seahan Industries, Inc.); *see also Notice of Final Results of Changed Circumstances Antidumping Duty Review: Certain Polyester Staple Fiber from the Republic of Korea,* 73 FR 49168 (August 20, 2008) (finding Woongjin as successor-in-interest to Seahan Industries, Inc.).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–405–803]

Purified Carboxymethylcellulose From Finland: Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 15, 2014, the Department of Commerce (the Department) published the *Preliminary Results* of the 2012–2013 administrative review of the antidumping duty order on Purified Carboxymethylcellulose from Finland.[1] This review covers one respondent, CP Kelco Oy (CP Kelco). For these final results of review, we continue to find that sales of the subject merchandise by CP Kelco have not been made at prices below normal value (NV).

DATES: *Effective Date:* December 22, 2014.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney 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) 482–4475 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 15, 2014, the Department published the *Preliminary Results.* We invited parties to comment on the *Preliminary Results.* In response, we received a comment from CP Kelco on September 15, 2014.[2] Petitioner[3] did

[1] *See Purified Carboxymethylcellulose from Finland: Notice of Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 48119 (August 15, 2014) (*Preliminary Results*), and the accompanying Decision Memorandum (Preliminary Decision Memorandum).

[2] *See* ''Letter in Lieu of Case Brief'' from CP Kelco, regarding ''Purified Carboxymethylcellulose from Finland,'' dated September 15, 2014.

[3] The Petitioner in this proceeding is Ashand Specialty Ingredients, a division of Hercules Incorporated.

not submit comments on the *Preliminary Results.*

Period of Review

The period of review (POR) is July 1, 2012, through June 30, 2013.

Scope of the Order

The merchandise covered by this order is all purified carboxymethylcellulose (CMC).[4] The merchandise subject to this order is classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 3912.3100.

Analysis of Comments Received

All issues raised by interested parties in this review are addressed in the Issues and Decision Memorandum. The Issues and 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).[5] ACCESS is available to registered users at *https://access.trade.gov* and 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 Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and electronic versions of the Issues and Decision Memorandum are identical in content. A list of the issue raised is attached to this notice as Appendix I. We have analyzed all interested party comments. Based on our analysis of the comments received, the margin in the final results is unchanged from that presented in the *Preliminary Results.*

Final Results of Review

We determine that the following dumping margin exists for the period July 1, 2012, through June 30, 2013:

Manufacturer/exporter	Weighted-average dumping margin (percentage)
CP Kelco Oy	0.00

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Because CP Kelco's weighted average dumping margin is zero, in accordance with the *Final Modification,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[6] For entries of subject merchandise during the POR produced by CP Kelco Oy for which it did not know its merchandise was destined for the United States, 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.[7]

We intend to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, consistent with section 751(a)(2) of the Act: (1) The cash deposit rate for CP Kelco will be 0.00 percent, the weighted average dumping margin established in the final results of this administrative review; (2) if the exporter is not a firm covered in this review, but was covered in a previous review or the original less than fair value (LTFV) investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will continue to be 6.65 percent, which is the all-others rate established in the LTFV investigation.[8] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

[4] For a full description of the scope of the order, *see* Memorandum from Richard Weible, Director, Office VI, Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary, Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Purified Carboxymethylcellulose from Finland; 2012–2013'' (Issues and Decision Memorandum), which is dated concurrently with these final results and incorporated herein by reference.

[5] On November 24, 2014, Enforcement and Compliance's AD and CVD Centralized Electronice Service System (''IA ACCESS'') to AD and CVD Centralized Electronice Service System (''ACCESS''). The Web site location was changed from *http://iaacess.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 Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification*).

[7] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[8] *See Notice of Antidumping Duty Order; Purified Carboxymethylcellulose From Finland, Mexico, the Netherlands and Sweden,* 70 FR 39734 (July 11, 2005).

The Department is issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 12, 2014.

Paul Piquado,

Assistant Secretary, Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Accompanying Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion Of Issues
  a. Inclusion in Margin Program of Export Price Sales Invoiced Prior to the POR and Entered During the POR
V. Recommendation

[FR Doc. 2014–29924 Filed 12–19–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Initiation of Changed Circumstances Review of Jining Yongjia Trade Co., Ltd. and Jinxiang County Shanfu Frozen Co., Ltd.

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has received information sufficient to warrant initiation of a changed circumstances review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC). Based upon a request filed by Jining Yongjia Trade Co., Ltd. (Yongjia), an exporter of fresh garlic to the United States, the Department is initiating a changed circumstances review to determine whether Yongjia's supplier, Jinxiang County Shanfu Frozen Co., Ltd. (Shanfu II), is the successor-in-interest of the producer/supplier of Yongjia with the same name, Shanfu (Shanfu I), examined in Yongjia's new shipper review of this order.[1]

DATES: *Effective Date:* December 22, 2014.

FOR FURTHER INFORMATION CONTACT: Hilary E. Sadler, Esq., at (202) 482–4340 or Mark Hoadley at (202) 482–3148, AD/CVD Operations, Office VII, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1994, the Department published notice of the *Order* in the **Federal Register**.[2] On October 8, 2014, Yongjia requested that the Department conduct a changed circumstances review pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216 and 19 CFR 351.221(c)(3), to determine that its supplier, Shanfu II, is the successor-in-interest to the supplier of the same name which the Department examined in Yongjia's new shipper review for purposes of this antidumping duty order. In its request, Yongjia stated that changes in ownership in Shanfu I had taken place, and provided business licenses before and after the change in ownership, a tax payment notice, a marriage license, and information on the company's ownership and customers before and after the ownership change. On November 5, 2014, the petitioners[3] submitted comments opposing this initiation.

Scope of the Order

The products covered by the order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay. The scope of the order does not include the following: (a) Garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non-fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed. The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings: 0703.20.0000, 0703.20.0010, 0703.20.0015, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, 0711.90.6500, 2005.90.9500, 2005.90.9700, and 2005.99.9700, of the Harmonized Tariff Schedule of the United States (HTSUS).

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive. In order to be excluded from the order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non-fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to U.S. Customs and Border Protection to that effect.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. In accordance with 19 CFR 351.216(d), the Department has determined that the information submitted by Yongjia constitutes sufficient evidence to conduct a changed circumstances review of the *Order.*

In a changed circumstances review involving a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base.[4] While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor if the resulting operations are essentially the same as those of the predecessor company.[5] Thus, if the record demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor.[6]

[1] *See Antidumping Duty Order: Fresh Garlic From the People's Republic of China,* 59 FR 59209 (November 16, 1994) (*Order*). *See also Fresh Garlic From the People's Republic of China: Final Results and Rescission, In Part, of Twelfth New Shipper Reviews,* 73 FR 56550 (September 29, 2008).

[2] *See id.*

[3] The petitioners are the Fresh Garlic Producers Association and its individual members: Christopher Ranch L.L.C., The Garlic Company, Valley Garlic, and Vessey and Company, Inc.

[4] *See, e.g., Certain Activated Carbon From the People's Republic of China: Notice of Initiation of Changed Circumstances Review,* 74 FR 19934, 19935 (April 30, 2009).

[5] *See, e.g., Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Forged Stainless Steel Flanges From India,* 71 FR 327 (January 4, 2006).

[6] *See, e.g., Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed*

Based on the information provided in its submission, Yongjia has provided sufficient evidence to warrant a review to determine if Shanfu II is the successor-in-interest to Shanfu I in the new shipper review. Therefore, pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(d), we are initiating a changed circumstances review.

We are also initiating a changed circumstances review of Yongjia as well as on Shanfu II. Yongjia requested a changed circumstances review of Shanfu II so that it may continue to receive the chain-rate determined in its new shipper review. Normally, a company requests a changed circumstances review for itself. In a successor-in-interest changed circumstances review, we are determining whether a prior calculated rate should apply to an entity under review. Here, the rate is a chain-rate that applied to both Yongjia and Shanfu. To determine whether this rate should continue to apply to both Yongjia and Shanfu, we are initiating a review of both companies. Moreover, the statute authorizes us to initiate a changed circumstances review when we determine changed circumstances are sufficient to warrant a review.[7] Here, changed circumstances related to both Shanfu and Yongjia exist, warranting a review of both companies. First, Yongjia stated that a change in ownership of Shanfu I raises the issue of affiliation between Yongjia and Shanfu II. Second, Yongjia requests that we conduct a collapsing analysis, to determine whether the Department should collapse Yongjia and Shanfu II based on the change in ownership, and treat the companies as a single entity for purposes of calculating antidumping duty rates. For these reasons, we are initiating a changed circumstances review of both parties to determine not only whether Shanfu II is the successor-in-interest to Shanfu I but also to determine whether the chain-rate is still applicable, or whether the changed circumstances warrant the application of the PRC-wide rate to Shanfu's and Yongjia's shipments instead.

Additionally, the Department finds it is necessary to issue a questionnaire requesting additional information for this review, as provided for by 19 CFR 351.221(b)(2). For this reason, the Department is not conducting this review on an expedited basis by publishing preliminary results in conjunction with this notice of initiation. The Department will publish in the **Federal Register** a notice of the preliminary results of the changed circumstances review in accordance with 19 CFR 351.221(b)(4) and 19 CFR 351.221(c)(3)(i). That notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed.

Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department intends to issue the final results of its antidumping duty changed circumstances review not later than 270 days after the date on which the review is initiated.

During the course of this changed circumstances review, we will not change the cash deposit requirements for the merchandise subject to review. The cash deposit will only be altered, if warranted, pursuant to the final results of this review.

This notice is published in accordance with sections 751(b)(l) and 777(i)(l) of the Act and 19 CFR 351.216(b) and 351.221(b)(1).

Dated: December 16, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–29922 Filed 12–19–14; 8:45 am]

BILLING CODE 3510–DS–P

Circumstances Antidumping Duty Administrative Review, 64 FR 9979, 9980 (March 1, 1999).

[7] *See* section 751(b)(1) of the Act. *See also* 19 CFR 351.216.

DEPARTMENT OF COMMERCE

International Trade Administration

Trade Mission to Central America in Conjunction With the Trade Americas—Opportunities in Central America Conference, June 21–26, 2015

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

The United States Department of Commerce, International Trade Administration (ITA) is organizing a trade mission to Central America, in conjunction with the Trade Americas—Opportunities in Central America Conference in Guatemala June 21–26, 2015. U.S. trade mission delegation participants will arrive in Guatemala on or before June 21 to attend the networking reception to open the Trade Americas—Opportunities in Central America Conference. Trade mission participants will attend the Conference on June 22. Following the morning session of the conference, trade mission participants will participate in one-on-one consultations with U.S. and Foreign Commercial Service (US&FCS) Commercial Officers and/or Economic/Commercial Officers from the following U.S. Embassies in the region: Costa Rica, El Salvador, Honduras, Guatemala, Belize, and Nicaragua. The following day, June 23, trade mission participants will engage in business to business appointments with companies in Guatemala. A limited number of trade mission participants will then travel to either, El Salvador, Honduras, Costa Rica, Belize, or Nicaragua (choosing only one market) for optional additional business-to-business appointments. Each business to business appointment will be with a pre-screened potential buyer, agent, distributor or joint-venture partner.

The Department of Commerce's Trade Americas—Opportunities in Central America Region Conference will focus on regional and industry-specific sessions, market entry strategies, logistics and trade financing resources as well as pre-arranged one-on-one consultations with US&FCS Commercial Officers and/or Department of State Economic/Commercial Officers with expertise in commercial markets throughout the region.

The mission is open to U.S. companies from a cross-section of industries with growing potential in Central America, but is focused on U.S. companies in best prospect sectors such as safety and security equipment; automotive parts/service equipment; food processing & packing equipment; renewable energy technologies, and hotel and restaurant equipment.

The combination of the Trade Americas—Opportunities in Central America Conference and business-to-business matchmaking opportunities in Guatemala and one of the other optional Central American markets will provide participants with access to substantive information about, and strategies for, entering or expanding their business across the Central America region.

Commercial Setting

The mission supports the federal government's Look South initiative, which encourages U.S. companies to explore opportunities in the United States' 11 free trade agreement partner (FTA) countries in Latin America. The FTA in the region, CAFTA–DR, includes the following five Central American countries: El Salvador, Guatemala, Honduras, Nicaragua and Costa Rica. As a result of this FTA, 100 percent of U.S. consumer and industrial goods exports

to the CAFTA–DR countries will no longer be subject to tariffs by 2015. The CAFTA–DR region was the 14th largest U.S. export market in the world in 2013, and the third largest in Latin America behind Mexico and Brazil. The United States exported $29.5 billion in goods to the five Central American countries. Export.gov/LookSouth includes ''Best Prospect'' market snapshots in Central America.

Guatemala

The United States and Guatemala enjoy a strong and growing trade relationship, especially under the U.S.-Central America-Dominican Republic Free Trade Agreement (CAFTA–DR). The United States is Guatemala's largest trading partner accounting for nearly 40 percent of Guatemala's trade. U.S. products and services enjoy strong name recognition in Guatemala, and U.S. firms have a good reputation in the Guatemalan marketplace.

U.S. exports to Guatemala U.S. goods exports to Guatemala in 2013 were $5.5 billion, 95 percent higher than the level in 2005, the year before CAFTA–DR entered into force. The leading sectors for U.S. exports and investment are: Automotive Accessories, Auto Parts and Service Equipment; Security and Safety Equipment; Travel and Tourism; Petroleum Products; and Forestry and Woodworking Machinery.

Costa Rica

The United States is Costa Rica's main trading partner, accounting for about 47 percent of Costa Rica's total imports. U.S. products enjoy an excellent reputation for quality and price-competitiveness. Proximity to the Costa Rican market is also a major advantage for U.S. exporters who wish to visit or communicate with potential customers, facilitating close contacts and strong relationships with clients, both before and after the sale. U.S. goods exports to Costa Rica in 2013 were $7.2 billion. The leading sectors for U.S. exports and investment are: Automotive Parts; Accessories and Service Equipment; Construction Equipment; Travel and Tourism; Cosmetics; Franchising; and Solar Energy Products.

El Salvador

The United States is El Salvador's leading trade partner. El Salvador offers an open market for U.S. goods and services. Tariffs are relatively low, and were reduced further with the implementation of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA–DR). The value-added tax (VAT) rate in El Salvador is 13 percent. El Salvador's strategic location in Central America makes it a good platform for industrial and service investments aimed at re-exports. U.S. goods exports to El Salvador in 2013 were $3.3 billion. The leading sectors for U.S. exports and investment are: Automotive Parts and Service Equipment; Construction; Franchising; and Travel and Tourism.

Honduras

The United States is the chief trading partner for Honduras, supplying 46.2 percent of Honduran imports. Located in the heart of Central America, Honduras is the second largest country in the region. Its deep-water port, Puerto Cortés, is the first port in Latin America to qualify under both the Megaports and Container Security Initiatives (CSI), which now facilitate the screening of approximately 90 percent of transatlantic and transpacific cargo prior to importation into the United States. U.S. goods exports to Honduras in 2013 were $5.4 billion. The leading sectors for U.S. exports and investment are: Automotive Parts/Service Equipment; Food Processing and Packaging Equipment; Franchising; Safety and Security Equipment; and Travel & Tourism Services.

Belize

U.S. remained Belize's principal trading partner. Belize is a consumer nation and relies heavily on imports. The United States provided over 44 percent of total Belizean merchandise imports in 2012. U.S. goods exports to Belize in 2013 were $241.2 million. The leading sectors for U.S. exports and investment are: Travel and Tourism; Agriculture and Agribusiness; Petroleum; Information Communication Technology and Renewable Energy and Green Technology.

Nicaragua

The United States is Nicaragua's largest trading partner, the source of roughly a quarter of Nicaragua's imports and the destination for approximately two-thirds of its exports (including free zone exports). U.S. exports to Nicaragua totaled $1.1 billion in 2013. The leading sectors for U.S. exports and investment are: Renewable Energy Technology; Food Processing and Packaging Equipment; Hotel and Restaurant Equipment; Medical and Dental Equipment; Building Products/Construction Equipment; and Plastics.

Mission Goals

The goal of the mission is to help participating U.S. companies gain market insights, make industry contacts, solidify business strategies and identify potential partners, agents, distributors, and joint venture partners in Guatemala and, if requested, their choice of El Salvador, Honduras, Costa Rica, Belize, and Nicaragua, laying the foundation for successful long-term ventures to take advantage of market opportunities in Central America. The delegation will have access to US&FCS Commercial Officers, Commercial Specialists, and Department of State Economic/Commercial Officers during the mission, learn about business opportunities, and gain first-hand market exposure from the markets in the region. Trade mission participants already doing business in Central America will have the opportunity to further advance business relationships and explore new opportunities.

Mission Scenario

The mission will include registration for the Trade Americas—Opportunities in Central America Conference, including conference materials and admission to all sessions and networking events with industry and government representatives; industry and country market briefings; and logistical support. It also includes one-on-one appointments with pre-screened potential business partners in Guatemala and one other Central American market.

Mission Timetable

June 21 Travel Day/Arrival in Guatemala
  Registration, Market Briefings, and Networking Reception
June 22 Guatemala
  Morning: Registration and Trade Americas—Opportunities in Central America Conference
  Afternoon: U.S. Embassy Officer Consultations
  Evening: Ambassador's Networking Reception
June 23 Guatemala
  Business-to-Business Meetings
June 24 Travel Day—Return to the US or go to optional stop

Optional

June 25 Business-to-Business Meetings in (Choice of one market):
  Option (A) Honduras
  Option (B) Costa Rica
  Option (C) El Salvador
  Option (D) Belize
  Option (E) Nicaragua
June 26 Return to the U.S.

Participation Requirements

All companies interested in participating in the U.S. Department of Commerce Trade Mission to Central America must complete and submit an

application package for consideration by the Department of Commerce. All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below.

A minimum of 25 and a maximum of 35 companies will be selected to participate in the mission from the applicant pool based on market suitability of their product or service. During the registration process, applicants will be able to select their markets of choice and will receive a brief market assessment for each selected market. All selected participants will attend business-to-business meetings in Guatemala. For those companies seeking to participate in additional business-to-business meetings in another market on June 25, we will select based on market suitability. The maximum number of companies that may be selected for each country are as follows: 25 companies for Guatemala, 5 companies for El Salvador; 5 companies for Belize; 20 companies for Costa Rica; 10 companies for Honduras; and 5 companies for Nicaragua. U.S. companies already doing business in, or seeking to enter the market in Costa Rica, El Salvador, Belize, Guatemala, Honduras, and Nicaragua for the first time may apply.

Fees and Expenses

After a company has been selected to participate on the mission, a payment to the Department of Commerce in the form of a participation fee is required.

- For business-to-business meetings in Guatemala (*only one market),* the participation fee will be $2,100 for a small or medium-sized enterprise (SME)[1] and $3,100 for a large firm.
- For business-to-business meetings in Guatemala and one other market (*two markets),* the participation fee will be $2,800 for a small or medium-sized enterprise (SME) and $3,800 for a large firm.

The above trade mission fees include the $400 participation fee for the Trade Americas—Opportunities in Central America Conference to be held in Guatemala City on June 22, 2015. There will be a $200 fee for each additional firm representative (SME or large firm) that wishes to participate in business-to-business meetings after the conference on Tuesday in Guatemala and on Thursday in any of the markets selected.

Expenses for travel, lodging, most meals, and incidentals will be the responsibility of each mission participant.

Conditions for Participation

- An applicant must submit a completed and signed mission application and supplemental application materials, including adequate information on the company's products and/or services, primary market objectives, and goals for participation. If the Department of Commerce receives an incomplete application, the Department may reject the application, request additional information, or take the lack of information into account when evaluating the applications.
- Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have at least 51 percent U.S. content of the value of the finished product or service.

Selection Criteria for Participation: Selection will be based on the following criteria:

- Suitability of the company's products or services to each of the markets the company has expressed an interest in visiting as part of this trade mission.
- Company's potential for business in each of the markets the company has expressed an interest in visiting as part of this trade mission.
- Consistency of the applicant's goals and objectives with the stated scope of the mission.

Referrals from political organizations and any information, including on the application, containing references to political contributions or other partisan political activities will be excluded from the application and will not be considered during the selection process. The sender will be notified of these exclusions.

Timeframe for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar on *www.export.gov,* the Trade Americas Web page at (*http://export.gov/tradeamericas/tradeevents/trademissions/centralamericajune2015/index.asp*), and other Internet Web sites, press releases to the general and trade media, direct mail and broadcast fax, notices by industry trade associations and other multiplier groups and announcements at industry meetings, symposia, conferences, and trade shows.

Recruitment for the mission will begin immediately and conclude no later than March 20, 2015. The U.S. Department of Commerce will review applications from the applicant pool and will make selection decisions on a rolling basis beginning 14 days after publication of this **Federal Register** notice, until the maximum of 35 participants are selected.

After March 20, 2015, companies will be considered only if space and scheduling constraints permit.

U.S. contact information	Central America contact information
Jessica Gordon, International Trade Specialist U.S. Export Assistance Center—Jackson, MS *Jessica.Gordon@trade.gov* Tel: 601–373–0784	Laura Gimenez, Commercial Officer U.S. Commercial Service—El Salvador *Laura.Gimenez@trade.gov*.
Diego Gattesco, Director U.S. Export Assistance Center—Wheeling, WV *Diego.Gattesco@trade.gov* Tel: 304–243–5493	Maria Rivera, Regional Commercial Specialist U.S. Commercial Service—El Salvador *Maria.Rivera@trade.gov*.

[1] An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see *http://www.sba.gov/services/contractingopportunities/sizestandardstopics/index.html*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see *http://www.export.gov/newsletter/march2008/initiatives.html* for additional information).

Elnora Moye,

Trade Program Assistant.

[FR Doc. 2014–29884 Filed 12–19–14; 8:45 am]

BILLING CODE 3510–DR–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 (DoD) is publishing this notice to announce that it is renewing the charter for the Vietnam War Commemoration Advisory Committee (''the Committee'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed in accordance with 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 Committee is a discretionary Federal advisory committee that shall provide independent advice and recommendations to the Secretary of Defense and the Deputy Secretary of Defense, through the Deputy Chief Management Officer (DCMO) on how to best achieve the following objectives in commemorating the 50th Anniversary of the Vietnam War, as referenced in section 598(c) of Pub. L. 110–181:

a. Thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans;

b. Highlight the service of the Armed Forces during the Vietnam War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces;

c. Pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War;

d. Highlight the advances in technology, science, and medicine related to military research conducted during the Vietnam War; and

e. Recognize the contributions and sacrifices made by the allies of the United States during the Vietnam War.

The Committee shall be composed of no more than 20 members, who are appointed by the Secretary of Defense or the Deputy Secretary of Defense. These members shall represent Vietnam Veterans, their families, and the American public. Candidates for the Committee shall be selected from the Military Services (both retired veterans and active members who served during the Vietnam era), the Department of Defense, the Department of State, the Department of Veterans Affairs, and the Intelligence Community. In addition, candidates from nongovernmental organizations that support veterans or contribute to the public's understanding of the Vietnam War shall be selected.

The Committee Chair shall be appointed by the Secretary of Defense or the Deputy Secretary of Defense. Any leadership appointment shall not exceed the individual member's approved term of service.

Committee members who are not full-time or permanent part-time Federal officers or employees shall be appointed as experts or consultants, pursuant to 5 U.S.C. 3109, to serve as special government employee (SGE) members. Committee members who are full-time or permanent part-time Federal employees shall be appointed, pursuant to 41 CFR 102–3.130(a), to serve as regular government employee (RGE) members.

Each Committee member is appointed to provide advice to the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest. With the exception of reimbursement for official Committee-related travel and per diem, Committee members shall serve without compensation.

The Secretary of Defense, or the Deputy Secretary of Defense, may approve the appointment of Committee members for one-to-four year terms of service with annual renewals. However, no member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees.

The Secretary of Defense, through the DCMO and pursuant to DoD policies and procedures, may appoint, as deemed necessary, non-voting consultants as subject matter experts (SMEs) to provide special expertise to the Committee. These SMEs, if not full-time or part-time government employees, shall be appointed pursuant to 5 U.S.C. 3109 as SGEs, shall be appointed on an intermittent basis to work specific Committee-related efforts, shall have no voting rights whatsoever on the Committee or any of its subcommittees, shall not participate in the Committee's deliberations, and shall not count toward the Committee's total membership. All experts or consultants shall serve terms of appointments as determined by the DCMO, and those appointments may be renewed, as appropriate.

The DoD, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Committee. 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 DCMO, as the DoD sponsor.

Such subcommittees shall not work independently of the Committee and shall report all of their recommendations and advice solely to the Committee 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 Committee. No subcommittee or its members can update or report, verbally or in writing, on behalf of the Committee, directly to the DoD or to any Federal officer or employee.

The Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, with annual renewals, even if the member in question is already a member of the Committee.

Subcommittee members, if not full-time or part-time Federal officers or employees, shall be appointed as experts and consultants, pursuant to 5 U.S.C. 3109, to serve as SGE members.

Subcommittee members who are full-time or permanent part-time Federal officers or employees will serve as RGE members, pursuant to 41 CFR 102–3.130(a).

Each subcommittee member is appointed to provide advice to the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest. With the exception of reimbursement for official Committee-related travel and per diem, subcommittee members shall 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 estimated number of Committee meetings is two per year.

The Committee's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee appointed in accordance with governing DoD policies and procedures.

The Committee's DFO is required to be in attendance at all meetings of the Committee and any of its subcommittees for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, a properly approved Alternate DFO, duly appointed to the Committee according to established DoD policies and procedures, shall attend the entire duration of the Committee or any subcommittee meeting.

The DFO, or the Alternate DFO, shall call all meetings of the Committee and its subcommittees; prepare and approve 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 Vietnam War Commemoration Advisory Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Vietnam War Commemoration Advisory Committee.

All written statements shall be submitted to the DFO for the Vietnam War Commemoration Advisory Committee, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Vietnam War Commemoration Advisory Committee 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 Vietnam War Commemoration Advisory Committee. 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 16, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–29790 Filed 12–19–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Meetings for the Supplement to the Draft Environmental Impact Statement/Overseas Environmental Impact Statement for Military Readiness Activities in the Northwest Training and Testing Study Area

AGENCY: Department of the Navy; DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DoN) has prepared and filed with the U.S. Environmental Protection Agency a Supplement to the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the Northwest Training and Testing (NWTT) Study Area. This Supplement to the Draft EIS/OEIS focuses on substantial changes in the Proposed Action and new information relevant to environmental concerns per 40 Code of Federal Regulations (CFR) 1502.9. The Supplement to the Draft EIS/OEIS also provides additional updated information to further the purposes of the National Environmental Policy Act (NEPA). Unless specifically included in the Supplement to the Draft EIS/OEIS, the activities and analyses of impacts on resources described in the Draft EIS/OEIS remain valid, and are included by reference in the Supplement to the Draft EIS/OEIS.

With the filing of the Supplement to the Draft EIS/OEIS, the DoN is initiating a 45-day public comment period and has scheduled four public meetings to provide information and receive comments on the Supplement to the Draft EIS/OEIS. This notice announces the dates and locations of the public meetings and provides supplementary information about the environmental planning effort.

DATES AND ADDRESSES: The 45-day public review and comment period for the Supplement to the Draft EIS/OEIS is December 19, 2014, through February 2, 2015. The DoN will hold four public meetings to inform the public about the Supplement to the Draft EIS/OEIS and potential environmental impacts, and to provide an additional opportunity for the public to comment on the Supplement to the Draft EIS/OEIS. The public meetings will include an open house information session, during which time NWTT EIS/OEIS team representatives will be available to provide information, answer questions, and accept comments on the Supplement to the Draft EIS/OEIS. The public can arrive any time during the advertised hours; the open house will not include a formal presentation or verbal comment session. Federal, state, local agencies and officials, and interested organizations and individuals are encouraged to provide comments in writing during the public review period or in person at one of the scheduled public meetings.

The public meetings will be held from 5 to 8 p.m. on the following dates and at the following locations:

1. Monday, January 12, 2015, at the Poulsbo Fire Station Conference Room, 911 NE Liberty Road, Poulsbo, WA 98370.
2. Tuesday, January 13, 2015, at the Grays Harbor College HUB, 1620 Edward P. Smith Drive, Aberdeen, WA 98520.
3. Wednesday, January 14, 2015, at the Isaac Newton Magnet School Commons, 825 NE Seventh St., Newport, OR 97365.
4. Friday, January 16, 2015, at Eureka Public Marina, Wharfinger Building, Great Room, 1 Marina Way, Eureka, CA 95501.

Attendees will be able to submit comments during the public meetings. A court reporter will be available for any attendees wishing to provide verbal comments, one-on-one. Equal weight will be given to verbal and written statements. Comments may also be submitted via mail to Naval Facilities Engineering Command Northwest, Attention: Ms. Kimberly Kler—NWTT EIS/OEIS Project Manager, 1101 Tautog Circle, Suite 203, Silverdale, WA 98315–1101, or electronically via the project Web site (*www.NWTTEIS.com*). All comments, verbal or written, submitted during the review period will become part of the public record. All comments will be considered and acknowledged or responded to in the Final EIS/OEIS. The DoN may address the comments directly, or the DoN may respond to public comments by modifying the analysis as appropriate. Comments must be postmarked or received online by February 2, 2015, for consideration in the Final EIS/OEIS.

All public comments received during the Draft EIS/OEIS comment period (January 24, 2014, through April 15, 2014) are still valid and are being considered in the Final EIS/OEIS for this action. Previously submitted comments need not be resubmitted. No decision will be made to implement any alternative in the NWTT Study Area until the NEPA process is complete and a Record of Decision is signed by the DoN.

FOR FURTHER INFORMATION CONTACT: Naval Facilities Engineering Command

Northwest, Attention: Ms. Kimberly Kler—NWTT EIS/OEIS Project Manager, 1101 Tautog Circle, Suite 203, Silverdale, WA 98315–1101.

SUPPLEMENTARY INFORMATION: Pursuant to section 102(2)(c) of NEPA, regulations implemented by the Council on Environmental Quality (40 CFR parts 1500–1508), and Presidential Executive Order 12114, the DoN announced its intent to prepare an EIS/OEIS for the NWTT Study Area in the **Federal Register** (FR) on February 27, 2012 (77 FR 11497), and invited the public to comment on the scope of the EIS/OEIS. A Draft EIS/OEIS was subsequently released on January 24, 2014 (79 FR 4158), in which the potential environmental effects associated with military readiness training and research, development, test, and evaluation activities (training and testing) conducted within the NWTT Study Area were evaluated.

Since the release of the NWTT Draft EIS/OEIS on January 24, 2014, the DoN determined that updated training requirements or new information would result in changes to the Proposed Action or analysis, and warranted the preparation of a Supplement to the Draft EIS/OEIS for two reasons. First, the type and number of sonobuoys used during one activity, known as Tracking Exercise—Maritime Patrol (Extended Echo Ranging Sonobuoys), would substantially change. This change in the Proposed Action warranted preparation of a Supplement to the Draft EIS/OEIS under 40 CFR 1502.9(c)(1)(i). Second, new information available on air emissions from inland water vessel movements associated with the ongoing activity of Maritime Security Operations warranted further consideration and preparation of a Supplement to the Draft EIS/OEIS under 40 CFR 1502.9(c)(1)(ii). A Notice of Intent announcing the DoN's intent to prepare a Supplement to the NWTT Draft EIS/OEIS was released on October 24, 2014 (79 FR 63610). The National Marine Fisheries Service and the U.S. Coast Guard are cooperating agencies on the EIS/OEIS.

The Supplement to the Draft EIS/OEIS was distributed to federal, state, and local agencies, elected officials, and other interested organizations and individuals. Copies of the Supplement to the Draft EIS/OEIS are available for public review at the following locations:

1. Everett Main Library, 2702 Hoyt Ave., Everett, WA 98201
2. Gig Harbor Library, 4424 Point Fosdick Drive NW., Gig Harbor, WA 98335
3. Jefferson County Library (Port Hadlock), 620 Cedar Ave., Port Hadlock, WA 98339
4. Kitsap Regional Library (Poulsbo), 700 NE Lincoln Road, Poulsbo, WA 98370
5. Kitsap Regional Library—Sylvan Way (Bremerton), 1301 Sylvan Way, Bremerton, WA 98310
6. Oak Harbor Public Library, 1000 SE Regatta Drive, Oak Harbor, WA 98277
7. Port Angeles Main Library, 2210 S. Peabody St., Port Angeles, WA 98362
8. Port Townsend Public Library, 1220 Lawrence St., Port Townsend, WA 98368
9. Timberland Regional Library—Aberdeen, 121 E. Market St., Aberdeen, WA 98520
10. Timberland Regional Library—Hoquiam, 420 Seventh St., Hoquiam, WA 98550
11. Astoria Public Library, 450 10th St., Astoria, OR 97103
12. Driftwood Public Library, 801 SW Highway 101 #201, Lincoln City, OR 97367
13. Newport Public Library, 35 NW Nye St., Newport, OR 97365
14. Guin Library, Hatfield Marine Science Center, 2030 SE Marine Science Drive, Newport, OR 97365
15. Tillamook Main Library, 1716 Third St., Tillamook, OR 97141
16. Fort Bragg Branch Library, 499 Laurel St., Fort Bragg, CA 95437
17. Redwood Coast Senior Center, 490 N. Harold St., Fort Bragg, CA 95437
18. Humboldt County Public Library—Arcata Branch Library, 500 Seventh St., Arcata, CA 95521
19. Humboldt County Public Library—Eureka Main Library, 1313 Third St., Eureka, CA 95501
20. Juneau Public Library—Downtown Branch, 292 Marine Way, Juneau, AK, 99801
21. Ketchikan Public Library, 1110 Copper Ridge Lane, Ketchikan, AK 99901

The Supplement to the Draft EIS/OEIS is also available for electronic viewing at *www.NWTTEIS.com.* A compact disc of the Supplement to the Draft EIS/OEIS will be made available upon written request by contacting: Naval Facilities Engineering Command Northwest, Attention: Ms. Kimberly Kler—NWTT EIS/OEIS Project Manager, 1101 Tautog Circle, Suite 203, Silverdale, WA 98315–1101.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: December 16, 2014.

P.A. Richelmi,

Lieutenant, Federal Alternate Register Liaison Officer, Office of the Judge Advocate General, U.S. Navy.

[FR Doc. 2014–29859 Filed 12–19–14; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0162]

Agency Information Collection Activities; Comment Request; Historically Black Colleges and Univerisities (HBCU) All Star Student Program

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before February 20, 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–0162 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will only accept comments during the comment period in this mailbox when the regulations.gov site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Sedika Franklin, (202) 453–5630.

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: Historically Black Colleges and Universities (HBCU) All Star Student Program.

OMB Control Number: 1894—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 105.

Total Estimated Number of Annual Burden Hours: 367.

Abstract: This program was designed to recognize current HBCU students for their dedication to academics, leadership and civic engagement. Nominees were asked to submit a nomination package containing a signed nomination form, unofficial transcripts, short essay, resume, and endorsement letter. Items in this package provide the tools necessary to select current HBCU students who are excelling academically and making differences in their community.

Dated: December 16, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–29805 Filed 12–19–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0165]

Agency Information Collection Activities; Comment Request; Annual Report on Appeals Process RSA–722

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 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 20, 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–0165 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Edward West, 202–245–6145.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual Report on Appeals Process RSA–722.

OMB Control Number: 1820–0563.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 80.

Total Estimated Number of Annual Burden Hours: 160.

Abstract: Pursuant to subsection 102(c)(8)(A) and (B) of the Rehabilitation Act of 1973 as amended by the Workforce Innovation and Opportunity Act the RSA–722 is needed to meet specific data collection requirements on the number of requests for mediations, hearings, administrative reviews and other methods of dispute resolution requested and the manner in which they were resolved. The information collected is used to evaluate the types of complaints made by applicants and eligible individuals of the vocational rehabilitation program and the final resolution of appeals filed. Respondents are State agencies that administer the Federal/State Program for Vocational Rehabilitation.

Dated: December 16, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–29804 Filed 12–19–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0166]

Agency Information Collection Activities; Comment Request; 21st Century Community Learning Centers Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 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 20, 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–0166 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please note that comments submitted by fax or email and those submitted after the comment period will not be

accepted; ED will only accept comments during the comment period in this mailbox when the regulations.gov site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Daren Hedlund, 202–401–3008.

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: 21st Century Community Learning Centers Annual Performance Report.

OMB Control Number: 1810–0668.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Private sector.

Total Estimated Number of Annual Responses: 54.

Total Estimated Number of Annual Burden Hours: 2,433.

Abstract: The purpose of the 21st Century Community Learning Centers (21st CCLC) program, as authorized under title IV, part B, of the Elementary and Secondary Education Act, section 4201 *et seq.,* (20 U.S.C. 7171 *et seq.,* attached to submission package), is to provide expanded academic enrichment opportunities for children attending low-performing schools. Tutorial services and academic enrichment activities are designed to help students meet local and state academic standards in subjects such as reading and math. In addition, 21st CCLC programs provide youth development activities, drug and violence prevention programs, technology education programs, art, music and recreation programs, counseling, and character education to enhance the academic component of the program. In support of this program, Congress appropriated nearly $1.1 billion for 21st CCLC programs for fiscal year 2013. Consisting of public and nonprofit agencies, community- and faith-based organizations, local businesses, postsecondary institutions, scientific/cultural and other community entities, 4,077 subgrantees-operating 9,989 centers-provided academic and enrichment services and activities to over 1.7 million children.

Dated: December 16, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–29801 Filed 12–19–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0163]

Agency Information Collection Activities; Comment Request; Quarterly Cumulative Caseload Report

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 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 20, 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–0163 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Joan Ward, 202–245–7565.

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: Quarterly Cumulative Caseload Report.

OMB Control Number: 1820–0013.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 320.

Total Estimated Number of Annual Burden Hours: 320.

Abstract: State agencies that administer vocational rehabilitation programs provide key caseload data on this form, including numbers of persons who are applicants, determined eligible/ineligible, waiting for services, and their program outcomes. The Rehabilitation Services Administration collects this information quarterly from states and reports it in the Annual Report to Congress on the Rehabilitation Act.

Dated: December 16, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–29803 Filed 12–19–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0164]

Agency Information Collection Activities; Comment Request; Charter Schools Program (CSP) Grant Award Database

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 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 20, 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–0164 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Patricia Kilby-Robb, 202–260–2225.

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: Charter Schools Program (CSP) Grant Award Database.

OMB Control Number: 1855–0016.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 81.

Total Estimated Number of Annual Burden Hours: 139.

Abstract: This request is for an extension of OMB approval to collect data for the Charter Schools Program (CSP) Grant Awards Database. This current data collection is being coordinated with the EDFacts Initiative to reduce respondent burden and fully utilize data submitted by States and available to the U.S. Department of Education (ED). Specifically, under the current data collection, ED collects CSP grant award information from grantees (State agencies, charter management organizations, and some schools) to create a new database of current CSP-funded charter schools. Together, these data allow ED to monitor CSP grant performance and analyze data related to accountability for academic purposes, financial integrity, and program effectiveness.

Dated: December 16, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–29802 Filed 12–19–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–21–000]

ANR Pipeline Company; Notice of Application

Take notice that on December 1, 2014, ANR Pipeline Company (ANR), 700 Louisiana Street, Suite 700, Houston, Texas 770002–2700, filed an application in the above referenced docket pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) requesting authorization to abandon in place one 12,000 horsepower (hp) reciprocating compressor replacing it with a new 13,220 hp, site rated to 12,000 hp, turbine compressor unit at its LaGrange Compressor Station in LaGrange County, Indiana. Specifically, ANR avers that there will be no increase in certificated horsepower or capacity as a result of the replacement. ANR estimates the cost of the proposed project to be approximately $43.4 million, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site 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, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Robert Jackson, Director Certificates and Regulatory Administration, ANR Pipeline Company, 700 Louisiana Street, Suite 700, Houston, Texas 770002–2700, by telephone at (832) 320–5487, or by email at *robert_jackson@transcanada.com.*

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 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 EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

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 commenters 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 the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters 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 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.

Comment Date: January 2, 2015.

Dated: December 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29870 Filed 12–19–14; 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: EC15–53–000.

Applicants: All Dams Generation, LLC, Lake Lynn Generation, LLC, PE Hydro Generation, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, and Expedited Action of All Dams Generation, LLC, et. al.

Filed Date: 12/15/14.

Accession Number: 20141215–5311.

Comments Due: 5 p.m. ET 1/5/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–366–005.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing per 35: Order No. 1000 Compliance Revisions—ER13–366–002 and ER13–366–003 to be effective 3/30/2014.

Filed Date: 12/15/14.

Accession Number: 20141215–5245.

Comments Due: 5 p.m. ET 1/5/15.

Docket Numbers: ER15–596–000.

Applicants: PJM Interconnection, L.L.C.

Description: Report Filing: Errata to Transmittal Letter in Docket No. ER15–596–000 to be effective N/A.

Filed Date: 12/15/14.

Accession Number: 20141215–5247.

Comments Due: 5 p.m. ET 1/5/15.

Docket Numbers: ER15–633–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revisions to Attach AE (MPL) Addendum 1—VRL and Market-to-Market Coordination to be effective 3/1/2015.

Filed Date: 12/15/14.

Accession Number: 20141215–5223.

Comments Due: 5 p.m. ET 1/5/15.

Docket Numbers: ER15–634–000.

Applicants: Cottonwood Solar, LLC.

Description: Baseline eTariff Filing per 35.1: Baseline—Cottonwood Solar, LLC MBR Tariff to be effective 12/31/9998.

Filed Date: 12/15/14.

Accession Number: 20141215–5236.

Comments Due: 5 p.m. ET 1/5/15.

Docket Numbers: ER15–635–000.

Applicants: Westar Energy, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): KEPCo Revision to Attachment A—Points of Receipt to be effective 1/15/2015.

Filed Date: 12/15/14.

Accession Number: 20141215–5283.

Comments Due: 5 p.m. ET 1/5/15.

Docket Numbers: ER15–636–000.

Applicants: Westar Energy, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Kaw Valley Electric Cooperative, Revision-Attachment A, Points of Receipt to be effective 1/31/2015.

Filed Date: 12/16/14.

Accession Number: 20141216–5004.

Comments Due: 5 p.m. ET 1/6/15.

Docket Numbers: ER15–637–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 3183; Queue No. W3–029 to be effective 11/19/2014.

Filed Date: 12/16/14.

Accession Number: 20141216–5161.

Comments Due: 5 p.m. ET 1/6/15.

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 16, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–29898 Filed 12–19–14; 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: RP15–260–000.
Applicants: Nautilus Pipeline Company, L.L.C.
Description: § 4(d) rate filing per 154.204: Changes to FT–2 Schedule to be effective 1/10/2015.
Filed Date: 12/11/14.
Accession Number: 20141211–5104.
Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: RP15–261–000.
Applicants: Enable Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: RS EFT Revisions 2014 to be effective 2/1/2015.
Filed Date: 12/11/14.
Accession Number: 20141211–5131.
Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: RP15–262–000.
Applicants: American Midstream (Midla), LLC.
Description: § 4(d) rate filing per 154.204: Midla Reservation Rate Crediting Provision to be effective 2/1/2015.
Filed Date: 12/11/14.
Accession Number: 20141211–5175.
Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: RP15–258–000.
Applicants: Natural Gas Pipeline Company of America.
Description: (doc-less) Motion to Intervene of Northern Illinois Gas Company d/b/a Nicor Gas Company.
Filed Date: 12/12/14.
Accession Number: 20141212–5050.
Comments Due: 5 p.m. ET 12/24/14.

Docket Numbers: RP15–263–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) rate filing per 154.204: Reserved Capacity for Pre-Arranged Deals & ROFR Waiver to be effective 1/12/2015.
Filed Date: 12/12/14.
Accession Number: 20141212–5032.
Comments Due: 5 p.m. ET 12/24/14.

Docket Numbers: RP15–264–000.
Applicants: Viking Gas Transmission Company.
Description: § 4(d) rate filing per 154.204: Update Non-Conforming Agreements (2014) to be effective 1/12/2015.
Filed Date: 12/12/14.
Accession Number: 20141212–5072.
Comments Due: 5 p.m. ET 12/24/14.

Docket Numbers: RP15–265–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) rate filing per 154.601: Non-Conforming Agreements Update (MGS) to be effective 1/1/2015.
Filed Date: 12/12/14.
Accession Number: 20141212–5138.
Comments Due: 5 p.m. ET 12/24/14.

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: RP12–318–007.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing per 154.203: Reservation Charge Credit Dec2014 Errata Filing to be effective 12/1/2014.
Filed Date: 12/11/14.
Accession Number: 20141211–5161.
Comments Due: 5 p.m. ET 12/23/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–29900 Filed 12–19–14; 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 exempt wholesale generator filings:

Docket Numbers: EG15–28–000.
Applicants: Ingenco Wholesale Power, L.L.C.
Description: Self-Certification of EG of Ingenco Wholesale Power, LLC.
Filed Date: 12/12/14.
Accession Number: 20141212–5192.
Comments Due: 5 p.m. ET 1/2/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2570–017.
Applicants: Shady Hills Power Company, L.L.C.
Description: Triennial Market Power Analysis of Shady Hills Power Company, L.L.C.
Filed Date: 12/16/14.
Accession Number: 20141216–5223.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER10–2906–007; ER11–4393–005; ER10–2911–007; ER10–2910–007; ER10–2909–007; ER10–2908–007; ER10–2900–008; ER10–2899–007; ER10–2898–012.
Applicants: Morgan Stanley Capital Group Inc., MS Solar Solutions Corp., Naniwa Energy LLC, Power Contract Financing II, Inc., Power Contract Financing II, L.L.C., South Eastern Electric Development Corp., South Eastern Generating Corp., Utility Contract Funding II, LLC, TAQA Gen X LLC.
Description: Supplement to June 27, 2014 Updated Market Power Analysis of the Morgan Stanley Utilities.
Filed Date: 12/10/14.
Accession Number: 20141210–5163.
Comments Due: 5 p.m. ET 12/24/14.

Docket Numbers: ER15–359–001.
Applicants: Samchully Power & Utilities 1 LLC.
Description: Supplement to November 6, 2014 and November 25, 2014

Samchully Power & Utilities 1 LLC tariff filing.

Filed Date: 12/16/14.

Accession Number: 20141216–5173.

Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: ER15–638–000.

Applicants: Southern California Edison Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): IFA and Distribution Service Agmt with City of Industry—Industry Hills Load to be effective 12/17/2014.

Filed Date: 12/16/14.

Accession Number: 20141216–5213.

Comments Due: 5 p.m. ET 1/6/15.

Take notice that the Commission received the following electric reliability filings

Docket Numbers: RD15–1–000.

Applicants: North American Electric Reliability Corporation, Western Electricity Coordinating Council.

Description: Petition of the North American Electric Reliability Corporation and Western Electricity Coordinating Council for Approval of Proposed Regional Reliability Standards VAR–002–WECC–2 and VAR–501–WECC–2.

Filed Date: 12/15/14.

Accession Number: 20141215–5324.

Comments Due: 5 p.m. ET 1/15/15.

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 16, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–29899 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–7–000]

Dominion Transmission, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Monroe to Cornwell Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Monroe to Cornwell Project involving construction and operation of facilities by Dominion Transmission, Inc. (Dominion) in Doddridge, Wetzel, and Kanawha Counties in West Virginia. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on January 12, 2015.

You may submit comments in written form. Further details on how to submit written comments are in the Public Participation section of this notice. If you sent comments on this project to the Commission before the opening of this docket on October 22, 2014, you will need to file those comments in Docket No. CP15–7–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Dominion provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

According to Dominion, the Monroe to Cornwell Project would provide 205,000 dekatherms per day of firm transportation service in Ohio and West Virginia and increase supply reliability outside of the Marcellus and Utica production basins.

Specifically, the Monroe to Cornwell Project would consist of the installation of the following facilities, all located in West Virginia:

- An additional 12,552 horsepower of compression, one new gas cooler, one new filter separator, new suction/discharge tie-ins, and other minor modifications at the existing L.L. Tonkin Compressor Station in Doddridge County;
- a new Measurement and Regulation Station at Dominion's existing Cornwell Compressor Station in Kanawha County; and
- new gas coolers at Dominion's existing Mockingbird Compressor Station in Wetzel County.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

The total land requirement to construct the project is approximately 45.86 acres, of which 1.97 acres would be permanently altered and converted to commercial/industrial land use. Upon completion of the project, the remaining land used for temporary workspace would be re-graded, stabilized and re-vegetated, and allowed to revert to pre-construction conditions.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Land use;
- geology and soils;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 4.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the West Virginia State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under Section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. 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 your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before January 12, 2015.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP15–7–000) 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 on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can 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.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at title 40, Code of Federal Regulations, part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

the ''e-filing'' link on the Commission's Web site.

Additional Information

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 at *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.,* CP15–7). 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 now 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*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: December 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29871 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13948–002]

Public Utility District No. 1 of Snohomish County; Notice of Draft Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for an original license for the proposed 6-megawatt Calligan Creek Hydroelectric Project, which would be located on Calligan Creek in King County, Washington, and has prepared an Environmental Assessment (EA) for the project. The project would not occupy any federal lands.

The EA includes staff's analysis of the potential environmental impacts of construction and operation of the project and concludes that licensing the project, with appropriate environmental measures, would not constitute a major federal action that would significantly affect the quality of the human environment. Based on a review of the comments received in response to the issuance of this EA, the Commission may issue a final EA.

A copy of the EA 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 documents. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

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.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file 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. 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–13948–002.

For further information, contact Kelly Wolcott at (202) 502–6480.

Dated: December 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29874 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13994–002]

Public Utility District No. 1 of Snohomish County; Notice of Draft Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for an original for the proposed 6-megawatt Hancock Creek Hydroelectric Project, which would be located on Hancock Creek in King County, Washington, and has prepared an Environmental Assessment (EA) for the project. The project would not occupy any federal lands.

The EA includes staff's analysis of the potential environmental impacts of construction and operation of the project and concludes that licensing the project, with appropriate environmental measures, would not constitute a major federal action that would significantly affect the quality of the human environment. Based on a review of the comments received in response to the issuance of this EA, the Commission issue a final EA.

A copy of the EA 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 documents. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

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.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file 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. 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–13994–002.

For further information, contact Kelly Wolcott at (202) 502–6480.

Dated: December 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29875 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–8–000]

Northwest Pipeline, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Kalama Lateral Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Kalama Lateral Project (Project), which would involve construction and operation of a new natural gas pipeline and associated facilities by Northwest Pipeline, LLC (Northwest) in Cowlitz County, Washington. The Commission will use this EA in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues need to be evaluated in the EA. Please note that the scoping period will close on January 10, 2015. You may submit comments as described in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Northwest provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Northwest plans to construct and operate approximately 3.1 miles of 24-inch- diameter natural gas pipeline to provide 320,000 Dekatherms per day (Dth/d) of natural gas to a proposed methanol production facility to be located within the north industrial area of the Port of Kalama, in Cowlitz County, Washington. The proposed methanol plant is not under the jurisdiction of the Commission and would not be constructed or operated by Northwest. However, the environmental impact of the plant would be part of the state of Washington's State Environmental Policy Act review process.

The Kalama Lateral Project would transport natural gas to the methanol plant from Northwest's existing Ignacio/Sumas mainline in Cowlitz County, Washington. The project would require new appurtenances to tie the new pipeline into the existing mainline including a new tap and valve. Pig launcher facilities [1] would be installed near the proposed interconnection with the mainline and at a new meter station facility constructed within the methanol plant. The new meter station facility would include standard appurtenances, piping, and buildings within an approximately 150-foot by 200-foot fenced area.

The general location of the planned facilities is shown in Appendix 1.[2]

Land Requirements for Construction

Construction of the pipeline and aboveground facilities would disturb approximately 109.4 acres of land. Following construction, about 19.4 acres would be maintained within permanent easements for ongoing operation of the pipeline, aboveground facilities, and permanent access roads. The remaining acreage disturbed during construction would be restored and allowed to revert to former uses. These acreage estimates are based on Northwest's general intention to construct its pipeline using a 100-foot-wide right-of-way and to retain a 50-foot-wide permanent right-of-way.

Background

Under Docket Nos. PF12–2–000 and CP13–18–000, FERC reviewed a pipeline route that was substantially similar to the one currently proposed by Northwest. A NOI was issued on June 22, 2012. On May 8, 2013, Northwest formally withdrew its Application of Certificate of Public Convenience and Necessity for the Kalama Lateral Pipeline Project because the project proponent, Veresen U.S. Power Inc. terminated the Facilities Agreement with Northwest. Stakeholder comments on the previous docket, if applicable to the Project, should be resubmitted under Docket CP15–8.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- geology and soils;
- water resources, fisheries, and wetlands;

[1] A ''pig'' is a tool that is inserted into and moves through the pipeline and is used for cleaning the pipeline, internal inspections, or other purposes.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call 202–502–8371. For instructions on connecting to eLibrary, refer to page 5 of this notice.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects (OEP).

- vegetation and wildlife;
- endangered and threatened species;
- cultural resources;
- land use;
- air quality and noise;
- public safety.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas. We will present our independent analysis of the issues in the EA. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider your comments, please carefully follow the instructions in the Public Participation section beginning on page 5 of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Washington State Historic Preservation Office (SHPO), and to solicit the SHPO's views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under Section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Northwest and public comments. This preliminary list of issues may change based on your comments and our analysis.

These issues identified include impacts on geology and soils, land use, and public safety.

This preliminary list of issues may be changed based on your comments and our analysis.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. 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 your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before January 9, 2015.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP15–8–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically by using the eComment feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to Documents and Filings. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature which is located on the Commission's Web site at *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 will be asked to 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.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

When the EA is published, copies may be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

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 at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

last three digits in the Docket Number field (*i.e.,* CP15–8). 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.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: December 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29872 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–29–000]

PJM Interconnection, L.L.C.; Notice of Filing

Take notice that on December 12, 2014, PJM Interconnection, L.L.C., pursuant to sections 205 and 206 of the Federal Power Act, 16 U.S.C. 824d and 824e, submits tariff filing per 385.206: Revisions to the Amended and Restated Operating Agreement and Open Access Transmission Tariff re Capacity Performance to be effective 4/1/2015.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 12, 2015.

Dated: December 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29878 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Peninsula Power, LLC; Docket No. ER15–486–000]

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 Peninsula Power, 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 January 5, 2015.

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 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29879 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: December 18, 2014 10 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* **Note**—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1011TH—MEETING—REGULAR MEETING

[December 18, 2014, 10 a.m.]

Item No.	Docket No.	Company
	Administrative	
A–1	AD02–1–000	Agency Business Matters
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations
A–3	AD15–3–000	Discussion on Coal Delivery
	Electric	
E–1	ER13–1447–000	Public Service Company of New Mexico
	ER13–1448–000	NorthWestern Corporation
	ER13–1450–000	Arizona Public Service Company
	ER13–1457–000	Deseret Generation & Transmission Co-operative, Inc.
	ER13–1461–000	Tucson Electric Power Company
	ER13–1462–000	UNS Electric, Inc.
	ER13–1463–000	Portland General Electric Company
	ER13–1465–000	El Paso Electric Company
	ER13–1466–000	NV Energy, Inc.
	ER13–1467–000	Idaho Power Company
	ER13–1469–000	Public Service Company of Colorado
	ER13–1470–000	California Independent System Operator Corporation
	ER13–1471–000	Cheyenne Light, Fuel and Power Company
	ER13–1472–000	Black Hills Power, Inc.
	ER13–1473–000	PacifiCorp
	ER13–1474–000	Black Hills/Colorado Electric Utility Company, LP
	ER13–1729–000	Puget Sound Energy, Inc.
	ER13–1730–000	Avista Corporation
	ER14–346–001	MATL LLP
	NJ13–10–000	Bonneville Power Administration
E–2	ER13–1944–000	PJM Interconnection, L.L.C.
	ER13–1943–000, ER13–1943–001	Midcontinent Independent System Operator, Inc.
	ER13–1924–000	PJM Interconnection, L.L.C., Duquesne Light Company
	ER13–1945–000	Midcontinent Independent System Operator, Inc.
	ER13–1955–000	Entergy Services, Inc.
	ER13–1956–000	Cleco Power LLC (Not Consolidated)
E–3	EL13–88–000	Northern Indiana Public Service Company v. Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.
E–4	EL14–97–000	Public Service Company of Colorado
E–5	EC14–112–000	PPL Corporation, RJS Power Holdings LLC
E–6	RM15–3–000	Revisions to Part 46 Filing Requirements
E–7	OMITTED.	
E–8	ER14–75–000, ER14–75–001	Entergy Arkansas, Inc.
	ER14–76–000, ER14–76–001, ER14–1329–000 (Consolidated).	Entergy Gulf States Louisiana, L.L.C.
	ER14–77–000, ER14–77–001, ER14–1328–000	Entergy Louisiana, LLC
	ER14–78–000, ER14–78–001	Entergy Mississippi, Inc.
	ER14–79–000, ER14–79–001	Entergy New Orleans, Inc.
	ER14–80–000, ER14–80–001, ER14–128–000	Entergy Texas, Inc.
E–9	ER12–1179–019, ER13–1173–002	Southwest Power Pool, Inc.
E–10	ER14–2979–000, ER14–2979–001	NV Energy, Inc.
E–11	ER14–2085–000, ER11–3658–000, ER12–1920–000, ER13–1595–000, EL10–65–000 (Consolidated).	Entergy Services, Inc., Louisiana Public Service Commission v. Entergy Corporation, Entergy Services, Inc., Entergy Louisiana, LLC, Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Gulf States Louisiana, L.L.C., Entergy Texas, Inc.
E–12	ER14–2022–000	Midcontinent Independent System Operator, Inc.
E–13	ER15–129–000	California Independent System Operator Corporation
E–14	ER15–66–000	California Independent System Operator Corporation
E–15	ER15–50–000	California Independent System Operator Corporation
E–16	ER13–103–004, ER13–103–005	California Independent System Operator Corporation
E–17	OMITTED.	

1011TH—MEETING—REGULAR MEETING—Continued

[December 18, 2014, 10 a.m.]

Item No.	Docket No.	Company
E–18	OMITTED.	
E–19	EL05–121–009	PJM Interconnection, L.L.C.
E–20	EL15–12–000, QF98–54–001	Alaska Power & Telephone Company, City of Saxman, Alaska
E–21	EL10–65–000, EL10–65–001	Louisiana Public Service Commission v. Entergy Corporation, Entergy Services, Inc., Entergy Louisiana, LLC, Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Gulf States Louisiana, L.L.C., Entergy Texas, Inc.
E–22	EL11–65–001	Louisiana Public Service Commission v. Entergy Corporation, Entergy Services, Inc., Entergy Louisiana, LLC, Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Gulf States Louisiana, L.L.C., Entergy Texas, Inc.
E–23	OMITTED.	
E–24	EL14–93–000	State Corporation Commission of the State of Kansas v. Westar Energy, Inc.
E–25	EL15–14–000	Energy Producers and Users Coalition
E–26	EL14–9–001, QF11–424–003, EL14–18–001	Gregory and Beverly Swecker v. Midland Power Cooperative, Gregory Swecker and Beverly Swecker v. Midland Power Cooperative and Central Iowa Power Cooperative
E–27	ER15–203–000	Evergreen Gen Lead, LLC
E–28	ER11–4069–001	RITELine Illinois, LLC
	ER11–4070–002	RITELine Indiana, LLC
E–29	EL14–89–000	GDF Suez Energy Resources, NA v. New York Independent System Operator, Inc., and Consolidated Edison Company of New York, Inc.
Gas		
G–1	PR14–55–000	Arkansas Oklahoma Gas Corporation
G–2	RP14–247–000, RP14–247–001, RP14–247–002, RP14–247–003, RP13–968–000, RP13–968–001, RP13–968–002, RP13–968–003, RP13–968–004.	Sea Robin Pipeline Company, LLC
G–3	OR14–41–000	American Airlines, Inc. v. Buckeye Pipe Line Company, L.P.
Hydro		
H–1	P–14368–001	Catamount Metropolitan District
Certificates		
C–1	OMITTED.	
C–2	CP13–551–000	Transcontinental Gas Pipeline Company, LLC
C–3	CP09–161–000	Bison Pipeline LLC
C–4	CP14–17–000	Columbia Gas Transmission, LLC
C–5	CP14–104–000	Texas Eastern Transmission, LP

Issued: December 11, 2014.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2014–29876 Filed 12–18–14; 11:15 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14645–000]

CC Energy, LLC; Notice of Preliminary Permit Application Accepted For Filing and Soliciting Comments, Motions to Intervene, and Competing Applications

On November 7, 2014, CC Energy, 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 Carlo Creek Hydroelectric Project (Carlo

Creek Project or project) to be located on Carlo Creek, in unincorporated Denali 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 proposed project would consist of the following new features: (1) A 50-foot-long, 10-foot-high diversion weir traversing Carlo Creek; (2) an approximately 10-acre-foot impoundment; (3) a 10,500-foot-long, 2.5-foot-diameter steel penstock; (4) a 25-foot-long, 35-foot-wide concrete powerhouse; (5) a single 1.6-megawatt Pelton turbine/generator; (6) a 1,500-foot-long, 15-kilovolt (kV) transmission line interconnecting with an existing 15-kV Golden Valley Electric Association distribution line; (7) an approximately 12,000-foot-long access road; and (8) appurtenant facilities. The estimated annual generation of the Carlo Creek Project would be 6.3 gigawatt-hours.

Applicant Contact: Mr. Brent Smith, Northwest Power Services, Inc., P.O. Box 872316, Wasilla, Alaska 99687; phone: (907) 414–8223.

FERC Contact: Sean O'Neill; phone: (202) 502–6462.

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–14645–000.

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–14645) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: December 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29873 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD15–3–000]

Imperial Irrigation District; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions to Intervene

On November 26, 2014, the Imperial Irrigation District filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Foxglove Check on Westside Main Canal In-Conduit Hydroelectric Project would have an installed capacity of 665 kilowatts (kW) and would be located on the existing Westside Main Canal. This conduit transports water for irrigation, municipal, and industrial purposes. The project would be located near the city of Edgar in Imperial County, California.

Applicant Contact: Carl Stills, 1651 West Main Street, El Centro, CA 92243, Phone No. (760) 339–9701.

FERC Contact: Robert Bell, Phone No. (202) 502–6062, email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) One proposed 77-foot-long, 49.3-foot-wide concrete box intake structure with 3 10-foot-wide gates; (2) a proposed 15-by-55-foot powerhouse containing three turbine generator units with a total installed capacity of 665 kW; (3) the proposed 81-foot-long, 49.3-foot-wide concrete box tailrace structure which returns the water into the Westside Main Canal; and (4) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 3,685 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory Provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar man-made water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA	The facility has an installed capacity that does not exceed 5 megawatts.	Y
FPA 30(a)(3)(C)(iii), as amended by HREA	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: Based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

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. 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.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*e.g.,* CD15–3–000) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: December 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29880 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2014).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–25–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on December 4, 2014, Columbia Gas Transmission, LLC (Columbia Gas), 5151 San Felipe, Suite 2500, Houston, Texas 77056, filed in the above Docket, a prior notice request pursuant to section 157.210 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to convert several existing compressor units from base load to standby mode at Gettysburg Compressor Station, located in Adams County, Pennsylvania, Greencastle Compressor Station, located in Franklin County, Pennsylvania, and Strasburg Compressor Station, located in Shenandoah County, Virginia. There is no cost associated with the proposal, 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Fredic J. George, Senior Counsel, Columbia Gas Transmission, LLC, P.O. Box 1273, Charleston, West Virginia 25325–1273, at (304) 357–2359.

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 Natural Gas Act (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 the 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 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–29877 Filed 12–19–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2014–0548; FRL—9920–74–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Reformulated Gasoline and Conventional Gasoline: Requirements for Refiners, Oxygenate Blenders, and Importers of Gasoline; Requirements for Parties in the Gasoline Distribution Network (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Reformulated Gasoline and Conventional Gasoline: Requirements for Refiners, Oxygenate Blenders, and Importers of Gasoline; Requirements for Parties in the Gasoline Distribution Network (Renewal) (EPA ICR No. 1591.26, OMB Control No. 2060–0277) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). This is a proposed revision of the ICR, which is currently approved through 12/31/2014. Public comments were previously requested via the **Federal Register** (79 FR 52317) on September 3, 2014 during a 60 day comment period. This notice allows for an additional 30 days for public comment. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments must be submitted on or before January 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2014–0548, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jose Solar, Compliance Division, Office of Transportation and Air Quality, (Mail Code 6405A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9027; fax number: 202–343–2801; email address: *Solar.Jose@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Gasoline combustion is the major source of air pollution in most urban areas. In the 1990 amendments to the Clean Air Act (Act), section 211(k), Congress required that gasoline dispensed in nine areas with severe air quality problems, and areas that opt-in, be reformulated to reduce toxic and ozone-forming emissions. Congress also required that, in the process of producing reformulated gasoline (RFG), dirty components removed in the reformulation process not be ''dumped'' into the remainder of the country's gasoline, known as conventional gasoline (CG). The Environmental Protection Agency promulgated regulations at 40 CFR part 80, subpart D—Reformulated Gasoline, subpart E—Anti-Dumping, and subpart F—Attest Engagements, implementing the statutory requirements, which include standards for RFG (80.41) and CG (80.101). The regulations also contain reporting and recordkeeping requirements for the production, importation, transport and storage of gasoline, in order to demonstrate compliance and facilitate compliance and enforcement. This program excludes California, which has separate requirements for gasoline.

The United States has an annual gasoline consumption of about 133 billion gallons, of which about 30% is RFG. In 2013 EPA received reports from 255 refineries, 60 importer facilities/facility groups, 51 oxygenate blending facilities, 25 independent laboratory facilities, and the RFG Survey Association, Inc. under this program.

Section 211(k) of the Act requires the Administrator to promulgate regulations establishing requirements for RFG to be used in gasoline-fueled vehicles in the nine specified nonattainment areas, and opt-in areas. The Act specifically provides that recordkeeping, reporting, and sampling and testing requirements are among the tools EPA may use in enforcement of the provisions, and also provides that EPA must develop an enforceable scheme. Sections 114 and 208 of the Clean Air Act, 42 U.S.C. 7414 and 7542, authorize EPA to require recordkeeping and reporting regarding enforcement of the provisions of Title II of the Clean Air Act.

Information claimed as confidential is handled in accordance with EPA Freedom of Information Act regulations at 40 CFR 2. Most of the information submitted is claimed as such. Data submitted electronically are encrypted and housed in a secure area.

Form: Reformulated Gasoline and Conventional Gasoline reporting is now required to be completed electronically. The reporting is to be made through The EPA Fuels Programs Reporting Forms*: http://www.epa.gov/otaq/fuels/reporting/index.htm.*

Respondents/affected entities: Gasoline marketing-related industries, SIC codes: refiners (2911), importers (5172), terminals (5171), pipelines (4613), truckers and other distributors (4212), and retailers/wholesale purchaser-consumers (5541). NAICS codes: refiners (324110), pipelines (486910) and terminals (424710). Not all NAICS codes for the responsible reporting parties were found. These are, however, parties which are obligated to report: importers, truckers and other distributors and retailers/wholesale

purchaser-consumers. Some refiners are importers but that is not always the case. *Respondent's obligation to respond:* Mandatory per 40 CFR part 80.

Estimated number of respondents: 4,283.

Frequency of response: Quarterly, Annually, on Occasion.

Total estimated burden: 127,246 hours (per year). Burden is defined at 5 CFR 1320.03(b)

T*otal estimated cost:* $39,223,076 (per year), includes $24,713,032 in non-labor costs.

Changes in Estimates: Compared with the ICR currently approved by OMB, there is an increase in the total estimated burden. The increase from 127,041 hours to 127,246 hours is because additional regulations that were introduced through rule making.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–29791 Filed 12–19–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0085; FRL—9918–70–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Friction Materials Manufacture (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Friction Materials Manufacture (40 CFR part 63, subpart QQQQQ) (Renewal)'' (EPA ICR No. 2025.06, OMB Control No. 2060–0481) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*). This is a proposed extension of the ICR, which is currently approved through January 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before January 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA HQ–OECA–2014–0085, to (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: Respondents are owners or operators of friction materials manufacturing facilities. The NESHAP contains an emission limitation for solvent mixers at friction materials manufacturing facilities. Solvent mixers are the affected source. Friction materials manufacturing facilities manufacture friction material using a solvent-based process. Friction material is subsequently used to manufacture friction products that include, but are not limited to, disc brake pucks, disc brake pads, brake linings, brake shoes, brake segments, brake blocks, brake discs, clutch facings, and clutches.

Form Numbers: None.

Respondents/affected entities: Owners or operators of friction materials manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart QQQQQ).

Estimated number of respondents: 4 (total).

Frequency of response: Initially, occasionally, semiannually, and annually.

Total estimated burden: 1,291 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $127,502 (per year), includes $1,088 in annualized capital and/or operation & maintenance costs.

Changes in the Estimates: There is a decrease of five hours in the total estimated respondent burden compared with the ICR currently approved by the OMB. This decrease is due to a discrepancy identified in the previous ICR. The previous ICR assumed all existing plants transmit one-time notifications, a burden item that only applies to new sources. Since no new sources are expected over the next three-year period of the ICR, the ICR was revised to remove this burden, which resulted in a decrease in burden hours.

There is also an increase in the estimated burden cost due to the use of updated labor rates. This ICR references the most recent labor rates available from the Bureau of Labor Statistics and the OPM to calculate burden costs.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–29792 Filed 12–19–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9920–57–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Minnesota's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective December 22, 2014.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW.,

Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements. Once an authorized program has EPA's approval to accept electronic documents under certain programs, CROMERR 3.1000(a)(4) requires that the program keep EPA apprised of any changes to laws, policies, or the electronic document receiving systems that have the potential to affect the program's compliance with CROMERR 3.2000.

On June 24, 2014, the Minnesota Pollution Control Agency (MPCA) submitted an amended application titled ''Minnesota Pollution Control Agency Regulatory Services Portal'' for revisions/modifications of its EPA-approved electronic reporting program under its EPA-authorized programs under title 40 CFR to allow new electronic reporting. EPA reviewed MPCA's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Minnesota's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 51, 60–61, 63, 65, 68, 70–72, 74–75, 79–80, 82, 86, 89–92, 94, 122, 262, 264–266, 268, 270, 280, and 403, is being published in the **Federal Register**:

Part 52—Approval and Promulgation of Implementation Plans;
Part 60—Standards of Performance for New Stationary Sources;
Part 61—National Emission Standard for Hazardous Air Pollutants;
Part 63—National Emission Standards for Hazardous Air Pollutants for Source Categories;
Part 65—Consolidated Federal Air Rule;
Part 68—Chemical Accident Prevention Provisions;
Part 70—State Operating Permit Programs;
Part 72—Permits Regulation;
Part 74—Sulfur Dioxide OPT–INS;
Part 75—Continuous Emissions Monitoring;
Part 79—Registration of Fuels and Fuel Additives;
Part 80—Registration of Fuels and Fuel Additives;
Part 82—Protection of Stratospheric Ozone;
Part 86—Control of Emissions from New and In-Use Highway Vehicles and Engines;
Part 89—Control of Emissions from New and In-Use Non-road Compression-Ignition Engines;
Part 90—Control Of Emissions From Non-road Spark-Ignition Engines at Or Below 19 Kilowatts;
Part 91—Control of Emissions from Marine Spark-Ignition Engines;
Part 94—Control of Emissions from Marine Compression-Ignition Engines;
Part 123— State Program Requirements;
Part 271—Requirements for Authorization of State Hazardous Waste Programs;
Part 282—Approved Underground Storage Tank Programs; and
Part 403—General Pretreatment Regulations for Existing and New Sources of Pollution.

MPCA was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Matthew Leopardreyreh,

Acting Director, Office of Information Collection.

[FR Doc. 2014–29483 Filed 12–19–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9920–69-Region 6]

Final National Pollutant Discharge Elimination System (NPDES) General Permit for Municipal Separate Storm Sewer Systems in the Middle Rio Grande Watershed in New Mexico (NMR04A000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final NPDES general permit issuance.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 Water Quality Protection Division, today announces issuance of the National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges from municipal separate storm sewer systems (MS4s) located in the Middle Rio Grande Watershed in the State of New Mexico. The permit offers discharge authorization to regulated MS4s within the boundaries of the Bureau of the Census-designated 2000 and 2010 Albuquerque Urbanized Areas and any other MS4s in the watershed designated by the Director as needing a MS4 permit. This permit is intended to replace both the individual NPDES Permit NMS000101 issued on January 31, 2012, and the expired general permits NMR040000 and NMR04000I for dischargers in this watershed area.

EPA Region 6 proposed the draft permit in the **Federal Register** on May 1, 2013. EPA Region 6 has considered all comments received and has made changes to the proposed permit. A copy of the EPA Region 6's response to comments, a final fact sheet, and the final permit may be obtained from the EPA Region 6 internet site: *http://epa.gov/region6/water/npdes/sw/ms4/index.htm*

FOR FURTHER INFORMATION CONTACT: Ms. Evelyn Rosborough, Region 6, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733. Telephone: (214) 665–7515.

DATES: This permit is effective on, and is deemed issued for the purpose of judicial review, December 22, 2014 and expires December 19, 2019. Under section 509(b) of the CWA, judicial review of this general permit can be held by filing a petition for review in the United States Court of Appeals within 120 days after the permit is considered issued for judicial review. Under section 509(b)(2) of the CWA, the requirements in this permit may not be challenged later in civil or criminal proceedings to enforce these

requirements. In addition, this permit may not be challenged in other agency proceedings.

SUPPLEMENTARY INFORMATION: Highlights of changes from the proposed permit include the following. All changes are discussed in the response to comments documents.

- If seeking alternative sub-measureable goals for TMDL controls, the permit requires permittees to submit a preliminary proposal with the Notice of Intent (NOI).
- Added a polychlorinated biphenyl (PCB) strategy requirement in Bernalillo County drainage areas.
- Incorporated requirements resulting from the Endangered Species Act (ESA) consultation in Part I.C.3 of the permit.
- Revised schedules in Activity Tables 1.a through 10.
- Clarified and revised the language related to post construction runoff and stormwater quality design standards.
- Added an option, Ground Water Replenishment Project, to provide an opportunity to replenish regional ground water supplies when infeasible to implement storm water quality design standards.
- Clarified seasonal monitoring periods and sampling methodology.
- Included information for electronic submittal of NOI and revised Annual Report deadline.
- Other minor changes and clarifications.

Other Legal Requirements

A. State and Tribal Certification

Under section 401(a)(1) of the CWA, EPA may not issue a NPDES permit until the State or Tribal authority in which the discharge will occur grants or waives certification to ensure compliance with appropriate requirements of the CWA and State law. The New Mexico Environment Department issued the 401 certification on September 13, 2013. The Pueblo of Sandia issued the 401 certification on July 1, 2013. The Pueblo of Isleta issued the 401 certification on October 29, 2014.

B. Other Regulatory Requirements

The Endangered Species Act (ESA) of 1973 requires Federal Agencies such as EPA to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (also known collectively as the ''Services''), that any actions authorized, funded, or carried out by the Agency (*e.g.,* EPA issued NPDES permits authorizing discharges to waters of the United States) are not likely to jeopardize the continued existence of any Federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species (see 16 U.S.C. 1536(a)(2), 50 CFR 402 and 40 CFR 122.49(c)). The scope of today's permit action is consistent with U.S. FWS Biological Opinion dated August 21, 2014.

Dated: December 11, 2014.

William K. Honker,

Water Quality Protection Division, EPA Region 6.

[FR Doc. 2014–29881 Filed 12–19–14; 8:45 am]

BILLING CODE P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10208, Unity National Bank Cartersville, Georgia

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Unity National Bank, Cartersville, Georgia (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Unity National Bank on March 26, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: December 17, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–29829 Filed 12–19–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 16, 2015.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. Alliance Bancshares, Inc., Cape Girardeau, Missouri; to acquire 100 percent of the voting shares of Tammcorp, Inc., Tamms, Illinois, and thereby indirectly acquire Capaha Bank SB, Tamms, Illinois.

In connection with this application; Tammcorp Acquisition Corporation, Cape Girardeau, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Tammcorp, Inc., Tamms, Illinois, and thereby indirectly acquiring Capaha Bank SB, Tamms, Illinois.

B. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Dutton Bancorporation, Inc.,* Dutton, Montana; to acquire 100 percent of the voting shares of W.C. Edwards

Holding Company, Denton, Montana, and thereby indirectly acquire Farmers State Bank, Denton, Montana.

Board of Governors of the Federal Reserve System, December 17, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–29894 Filed 12–19–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 15, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Level One Bancorp, Inc.,* Farmington Hills, Michigan; to merge with Lotus Bancorp, Inc., Novi, Michigan; and thereby indirectly acquire Lotus Bank, Novi, Michigan.

Board of Governors of the Federal Reserve System, December 16, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–29771 Filed 12–19–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Draft Guidance on Disclosing Reasonably Foreseeable Risks in Research Evaluating Standards of Care

AGENCY: Department of Health and Human Services (HHS), Office of the Secretary, Office of the Assistant Secretary for Health, Office for Human Research Protections; Extension of Comment Period.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS), through the Office for Human Research Protections (OHRP) is extending the public comment period for a draft guidance document for the research community entitled ''Draft Guidance on Disclosing Reasonably Foreseeable Risks in Research Evaluating Standards of Care.'' The availability of that draft document was published in the **Federal Register** on October 24, 2014, Volume 79, Number 206, page 63629.

DATES: The comment period is extended by 30 days and thus will end on January 22, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance document entitled ''Draft Guidance on Disclosing Reasonably Foreseeable Risks in Research Evaluating Standards of Care'' to the Division of Policy and Assurances, Office for Human Research Protections, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–402–2071. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance document.

You may submit comments identified by docket ID number HHS–OPHS–2014–0005 by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Enter the above docket ID number in the Enter Keyword or ID field and click on ''Search.'' On the next page, click the ''Submit a Comment'' action and follow the instructions.

Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions] to: Irene Stith-Coleman, Ph.D., Office for Human Research Protections, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852.

Comments received, including any personal information, will be posted without change to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Irene Stith-Coleman, Ph.D., Office for Human Research Protections, Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852; phone 240–453–6900; email *Irene.Stith-Coleman@hhs.gov*

SUPPLEMENTARY INFORMATION: The notice of availability of the draft guidance document was published in the **Federal Register** on October 24, 2014, Volume 79, Number 206, page 63629, with a deadline for comments of December 23, 2014. OHRP is specifically addressing what risks to subjects are presented by research evaluating or comparing risks associated with standards of care, and which of these risks are reasonably foreseeable and should be disclosed to prospective research subjects as part of their informed consent. OHRP is soliciting written comments from all interested parties, including, but not limited to, IRB members, IRB staff, institutional officials, research institutions, investigators, research subject advocacy groups, ethicists, the regulated community, and the public at large. Since the notice of availability and draft guidance documents were published, the Department has received requests to extend the comment period to allow sufficient time for a full review of the draft guidance document. OHRP is committed to affording the public a meaningful opportunity to comment on the draft guidance document and welcomes comments.

Electronic Access

Persons with access to the Internet may obtain the draft guidance document on OHRP's Web site at *http://www.hhs.gov/ohrp/newsroom/rfc/index.html* or on the Federal Rulemaking Portal at *http://www.regulations.gov/.*

Dated: December 17, 2014.

Jerry Menikoff,

Director, Office for Human Research Protections.

[FR Doc. 2014–29915 Filed 12–19–14; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1837]

Transfer of a Premarket Notification (510(k)) Clearance—Questions and Answers; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Transfer of a Premarket Notification (510(k)) Clearance—Questions and Answers.'' The purpose of the draft guidance is to provide information on how to notify FDA of the transfer of a premarket notification clearance from one holder to another, and the procedures FDA and industry should use to ensure public information in FDA's databases about the current 510(k) holder for a specific device(s) is accurate and up-to-date. This draft guidance is not final nor is it in effect at this time.

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 23, 2015. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by February 20, 2015, (see the ''Paperwork Reduction Act of 1995'' section of this document).

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Transfer of a Premarket Notification (510(k)) Clearance—Questions and Answers'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002 or 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 that office in processing your request.

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. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Marjorie Shulman, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1536, Silver Spring, MD 20993–0002, 301–796–6572 or Stephen Ripley, 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.

I. Background

FDA is announcing the availability of the draft guidance entitled ''Transfer of a Premarket Notification (510(k)) Clearance—Questions and Answers.'' This draft guidance provides information on how to notify FDA of the transfer of a 510(k) clearance from one holder to another, and the procedures FDA and industry should use to ensure public information in FDA's databases about the current 510(k) holder for a specific device(s) is accurate and up-to-date.

Previously, FDA's databases did not reflect changes in the 510(k) holder that occurred after FDA's clearance of the 510(k). This was in part because 510(k) holders were not required to list their devices by 510(k) number, which made it difficult for FDA to tie a particular 510(k) to its current holder. Lack of updated, accurate 510(k) holder information created a number of challenges for FDA, for current 510(k) holders, future 510(k) submitters, and other stakeholders.

The Food and Drug Administration Amendments Act of 2007 (FDAAA) (Public Law 110–85) amended section 510 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) by requiring domestic and foreign device establishments to begin submitting their registration and device listing information to FDA by electronic means rather than on paper forms,[1] and also specified the timeframes within which establishments are required to submit such information.[2] In accordance with FDAAA, the Agency launched FDA's Unified Registration and Listing System (FURLS), an Internet-based registration and listing system.[3]

Notification to FDA of a sale or other transfer of a 510(k) clearance, whether or not the device is already on the market, is accomplished by compliance with device listing requirements. As a result of the launch of the FURLS Device Registration and Listing Module (DRLM) and the changes to the registration and listing regulations that became effective on October 1, 2012,[4] the medical device listing information provided to FDA changed. Owners and operators of medical device establishments that market 510(k)-cleared devices must now supply the FDA-assigned premarket submission number of the cleared 510(k) when they list their devices in FURLS.[5] This listing allows FDA to easily identify the holder of each 510(k) based on the records created by manufacturers, specification developers, repackers/relabelers, single-use device reprocessors, or remanufacturers in FURLS DRLM. Listing information is required to be updated at least annually[6] and there may only be one 510(k) holder for a device at a time;[7] therefore, this updated listing provides FDA with current 510(k) holder information by 510(k) number.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on how to notify FDA of the transfer of a 510(k) clearance and the procedures FDA and industry should use to ensure public information in FDA's databases about the current 510(k) holder for a specific device(s) is accurate and up-to-date. 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 statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by

[1] See FD&C Act section 510(p) (21 U.S.C. 360(p)).

[2] See FD&C Act sections 510(b)(2), (i), and (j) (21 U.S.C. 360(b)(2), (i), and (j)).

[3] See 77 FR 45927 (August 2, 2012).

[4] See id.

[5] See 21 CFR 807.25(g)(4).

[6] See FD&C Act section 510(j) (21 U.S.C. 360(j)) and 21 CFR 807.22.

[7] See FD&C Act section 510(k) (21 U.S.C. 360(k)) and 21 CFR 807.81(a).

downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov or http://www.fda.gov/BiologicsBloodVaccines/Guidance ComplianceRegulatoryInformation/default.htm.* Persons unable to download an electronic copy of ''Transfer of a Premarket Notification (510(k)) Clearance—Questions and Answers,'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1808 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites 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: Transfer of a Premarket Notification (510(k)) Clearance—Questions and Answers

This draft guidance is intended to provide information on how to notify FDA of the transfer of a 510(k) clearance from one person to another, and the procedures FDA and industry should use to ensure public information in FDA's databases about the current 510(k) holder for a specific device(s) is accurate and up-to-date. The proposed information collection seeks to provide information in order to notify FDA of the transfer of a premarket notification (510(k)) clearance.

Description of respondents: The respondents to this collection of information are 510(k) holders and parties claiming to be 510(k) holders. The Agency estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance title: transfer of a premarket notification (510(k)) clearance—questions and answers	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Voluntary reporting of transfer of 510(k) Clearance on FDA's Unified Registration and Listing System (Outside of Annual Listing Reporting Requirement)	4,080	1	4,080	.25	1,020
Submission of 510(k) transfer documentation when more than one party lists the same 510(k)	2,033	1	2,033	4	8,132
Total					9,152

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Currently, FDA estimates 78% of 510(k)s are listed outside of the annual registration cycle based on numbers in the FURLS database from fiscal year 2009 through fiscal year 2014. Fiscal year 2008 was left out of this cohort as it was the first year that registrants were required to report the 510(k) number on their listings and, therefore, an unusually high number of listings were created. An average of 5,231 510(k)s have been listed in each year since 2008. Because listing outside of the annual requirement is voluntary, FDA estimates that annually 78% of 510(k)s will continue to be listed outside of the annual requirement. FDA estimates that 4,080 510(k)s may be listed outside of the annual registration cycle. FDA estimates that it will take approximately 15 minutes for each listing, for a total reporting burden of 1,020 hours.

FDA estimates it will have 2,033 instances of more than one party claiming to be a 510(k) holder for a specific device as part of annual registration and listing. The Agency reached this estimate by identifying the number of unique 510(k) device listings entered in FURLS between fiscal years 2009 and 2014 that conflict with a listing already entered by another party (5,304), dividing that number by the number of years (six), and multiplying by the average number of parties claiming to be the 510(k) holder when there is a conflict in the current FURLS database (2.3). The draft guidance identifies potential documentation a party could submit to FDA to establish the transfer of a 510(k) clearance. FDA estimates it will take a party approximately 4 hours to locate and submit information to establish the transfer of the 510(k) clearance, resulting in 8,132 burden hours for those 2,033 parties claiming to be 510(k) holders. FDA reached this estimate based on its expectation of the amount of time it will take a party to locate the information, to copy, and to submit a copy to FDA.

The burden estimate does not include the maintenance of records used to document transferring a premarket notification (510(k)) clearance. Based on available information, FDA believes that the maintenance of these records is a usual and customary part of normal business activities. For example, in the ordinary course of business, supporting documents should be kept to verify asset information for calculating the annual depreciation or calculating gain or loss on sale of an asset on a businesses' tax return. Therefore, this

recordkeeping requirement creates no additional paperwork burden.

Before the proposed information collection provisions contained in this draft guidance become effective, FDA will publish a notice in the **Federal Register** announcing OMB's decision to approve, modify, or disapprove the information collection provisions. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This draft guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR part 807 (registration and listing) are approved under OMB control number 0910–0625; collections of information in 21 CFR part 807 subpart E (premarket notification submission) have been approved under OMB control number 0910–0120 and collections of information in 42 CFR 493.17 have been approved under OMB control number 0910–0607.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: December 16, 2014.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2014–29832 Filed 12–19–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Vaccines and Related Biological Products 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: Vaccines and Related Biological Products 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 March 4, 2015, from 8:30 a.m. to 3 p.m.

Location: DoubleTree Hotel by Hilton, 8727 Colesville Rd., Silver Spring, MD 20910. The hotel's phone number is 301–589–5200.

Contact Person: Sujata Vijh or Denise Royster, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6128, Silver Spring, MD 20993–0002, 240–402–7107 or 240–402–8158, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On March 4, 2015, from 8:30 a.m. to 3 p.m., the committee will meet in open session to discuss and make recommendations on the selection of strains to be included in the influenza virus vaccines for the 2015–2016 influenza season.

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 February 18, 2015. Oral presentations from the public will be scheduled between approximately 12:40 p.m. and 1:40 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 February 9, 2015. 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 February 10, 2015.

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 Sujata Vijh 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 17, 2014.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2014–29860 Filed 12–19–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1504]

Independent Assessment of the Process for the Review of Device Submissions; Final Implementation Plan

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability on FDA's Web site of the Agency's final implementation plan published as part of Booz Allen Hamilton's independent assessment of the process for the review of medical device submissions. The assessment is part of the FDA performance commitments relating to the Medical Device User Fee Amendments of 2012 (MDUFA III), which reauthorized device user fees for fiscal years (FYs) 2013–2017. The assessment is described in section V, Independent Assessment of Review Process Management, of the commitment letter dated April 18, 2012, and entitled ''MDUFA Performance Goals and Procedures'' (MDUFA III Commitment Letter). The assessment is being conducted in two phases. The final implementation plan is FDA's response to Booz Allen Hamilton's comprehensive findings and recommendations and the final deliverable resulting from the first phase of the assessment.

FOR FURTHER INFORMATION CONTACT: Amber Sligar, Office of Planning, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 3372, Silver Spring, MD 20993–0002, 301–796–9384, *Amber.Sligar@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 9, 2012, President Obama signed into law the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) (FDASIA).[1] Title II of FDASIA is the Medical Device User Fee Amendments of 2012 (MDUFA III), which gives FDA the authority to collect device user fees from industry for FYs 2013–2017. MDUFA III took effect on October 1, 2012, and will continue through September 30, 2017.

Device user fees were first established by Congress in 2002. Medical device companies pay fees to FDA when they register their establishment and list their devices with the Agency, whenever they submit an application or a notification to market a new medical device in the United States, and for certain other types of submissions. Under MDUFA III, FDA is authorized to collect user fees that will total approximately $595 million (plus adjustments for inflation) over 5 years. With this additional funding, FDA will be able to hire more than 200 full-time-equivalent workers over the course of MDUFA III. In exchange, FDA has committed to meet certain performance goals outlined in the MDUFA III Commitment Letter.[2]

II. Assessment of FDA's Process for the Review of Device Submissions

Section V of the MDUFA III Commitment Letter states that FDA and the device industry will participate in a comprehensive assessment of the process for the review of device applications. The assessment will include consultation with both FDA and industry. The assessment will be conducted in two phases by a private, independent consulting firm, under contract with FDA, that is capable of performing the technical analysis, management assessment, and program evaluation tasks required to address the assessment as described in the MDUFA III Commitment Letter.

FDA will incorporate findings and recommendations from the assessment, as appropriate, into its management of the premarket review program. FDA will analyze the recommendations for improvement opportunities identified in the assessment, develop and implement a corrective action plan, and assure its effectiveness. FDA also will incorporate the results of the assessment into a Good Review Management Practices (GRMP) guidance document for medical devices. FDA's implementation of the GRMP guidance will include initial and ongoing training of FDA staff, and periodic audits of compliance with the guidance.

FDA awarded the contract for the independent assessment in June 2013 to the consulting firm Booz Allen Hamilton. Findings on high-priority recommendations (*i.e.,* those likely to have a significant impact on review times) were published December 11, 2013.[3] Final comprehensive findings and recommendations were published June 11, 2014.[4] FDA agreed to publish an implementation plan within 6 months of receipt of each set of recommendations. The first of these implementation plans was published June 11, 2014.[5] The second and final implementation plan is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Overview/MDUFAIII/ucm314036.htm.* For Phase 2 of the independent assessment, the contractor will evaluate the implementation of recommendations and publish a written assessment no later than February 1, 2016.

FDA's implementation plan based on the contractor's final findings and recommendations (issued June 11, 2014) is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Overview/MDUFAIII/ucm314036.htm.*

Dated: December 16, 2014.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2014–29800 Filed 12–19–14; 8:45 am]

BILLING CODE 4164–01–P

[1] *http://www.gpo.gov/fdsys/pkg/PLAW-112publ144/pdf/PLAW-112publ144.pdf.*

[2] *http://www.fda.gov/downloads/MedicalDevices/NewsEvents/WorkshopsConferences/UCM295454.pdf.*

[3] *http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/Overview/MDUFAIII/UCM378202.pdf.*

[4] *http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/Overview/MDUFAIII/UCM400676.pdf.*

[5] *http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/Overview/MDUFAIII/UCM400674.pdf.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than February 20, 2015.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Rural Health Care Services Outreach Program Measures OMB No. 0915-XXXX—New.

Abstract: The Rural Health Care Services Outreach (Outreach) Program is authorized by Section 330A(e) of the Public Health Service (PHS) Act (42 U.S.C. 254c(e)), as amended, to ''promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas.'' The goals for the Outreach Program are the following: (1) Expand the delivery of health care services to include new and enhanced services exclusively in rural communities; (2) deliver health care services through a strong consortium in which every consortium member organization is actively involved and engaged in the planning and delivery of services; (3) utilize and/or adapt an evidence-based or promising practice model(s) in the delivery of health care services; and (4) improve population health, demonstrate health outcomes and sustainability.

Need and Proposed Use of the Information: For this program, performance measures were drafted to provide data to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 1993. These measures cover the principal topic areas of interest to the Office of Rural Health Policy, including: (a) Access to care; (b) population demographics; (c) staffing; (d) consortium/network; (e) sustainability; and (f) project specific domains. Several measures will be used for the Outreach Program. All measures will speak to ORHP's progress toward meeting the goals set.

Likely Respondents: The respondents would be recipients of the Rural Health Care Services Outreach grant funding.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Total estimated annualized burden hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Health Care Services Outreach Grant Program Measures	50	1	50	3	150
Total	50	1	50	3	150

HRSA 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.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–29837 Filed 12–19–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than February 20, 2015.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference. Information Collection Request Title: Rural Health Network Development Program OMB No. 0915–XXXX—New

Abstract: This program is authorized under Section 330A(f) of the Public Health Service (PHS) Act, as amended (42 U.S.C. 254c(f). This authority directs the Office of Rural Health Policy (ORHP) to support grants for eligible entities to promote, through planning and implementation, the development of integrated health care networks that have combined the functions of the entities participating in the networks in order to: (i) Achieve efficiencies; (ii) expand access to, coordinate, and improve the quality of essential health care services; and (iii) strengthen the rural health care system as a whole.

The Rural Health Network Development Program is designed to assist rural health care providers to acclimate to the evolving health care environment by addressing relevant

topics to the health care environment as identified by the rural community. The program also enables rural health networks to continue to be a locus of innovation in maximizing limited rural health resources in times of economic hardship and decreased access to health care services that can be modeled in other communities, both rural and urban. This is a 3-year competitive program for mature networks composed of at least three members that are separate, existing health care provider entities.

Need and Proposed Use of the Information: For this program, performance measures were drafted to provide data to the program and to enable HRSA to provide aggregate program data. These measures cover the principal topic areas of interest to the Office of Rural Health Policy, including: (a) Network infrastructure; (b) network collaboration; (c) sustainability; and (d) network assessment. Several measures will be used for this program.

Likely Respondents: The respondents would be Rural Health Network Development Program grant recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Total Estimated Annualized burden hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Performance Improvement and Measurement System (PIMS) Database	54	1	54	6.7	361.8
Total	54	1	54	6.7	361.8

HRSA 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.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–29772 Filed 12–19–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[CFDA NUMBERS: 93.971, 93.123, AND 93.972]

Indian Health Professions Preparatory, Indian Health Professions Pre-Graduate and Indian Health Professions Scholarship Programs Announcement Type: Initial

Key Dates

Application Deadline: February 28, 2015, for continuing students

Application Deadline: March 28, 2015, for new students

Application Review: May 11–22, 2015

Continuation Award Notification Deadline: June 5, 2015

New Award Notification Deadline: July 2, 2015

Award Start Date: August 1, 2015

Acceptance/Decline of Awards Deadline: August 14, 2015

I. Funding Opportunity Description

The Indian Health Service (IHS) is committed to encouraging American Indians and Alaska Natives to enter the health professions and to assuring the availability of Indian health professionals to serve Indians. The IHS is committed to the recruitment of students for the following programs:

- The Indian Health Professions Preparatory Scholarship authorized by Section 103 of the Indian Health Care Improvement Act, Public Law 94–437 (1976), as amended (IHCIA), codified at 25 U.S.C. 1613(b)(1).
- The Indian Health Professions Pre-graduate Scholarship authorized by Section 103 of the IHCIA, codified at 25 U.S.C. 1613(b)(2).
- The Indian Health Professions Scholarship authorized by Section 104 of the IHCIA, codified at 25 U.S.C. 1613a.

Full-time and part-time scholarships will be funded for each of the three scholarship programs.

The scholarship award selections and funding are subject to availability of funds appropriated for the Scholarship Program.

II. Award Information

Type of Award

Scholarship.

Estimated Funds Available

An estimated $11.3 million will be available for fiscal year (FY) 2015 awards. The IHS Scholarship Program (IHSSP) anticipates, but cannot guarantee, due to possible funding changes, student scholarship selections from any or all of the approved disciplines in the Preparatory, Pre-graduate or Health Professions Scholarship Programs for the scholarship period 2015–2016. Due to the rising cost of education and the decreasing number of scholars who can be funded by the IHSSP, the IHSSP has changed the funding policy for Preparatory and Pre-graduate Scholarship awards and reallocated a greater percentage of its funding in an effort to increase the number of Health Professions Scholarships, and inherently the number of service-obligated scholars, to better meet the health care needs of the IHS and its Tribal and Urban Indian health care system partners.

Anticipated Number of Awards

Approximately 40 awards will be made under the Health Professions Preparatory and Pre-graduate Scholarship Programs for Indians. The awards are for ten months in duration, with an additional two months for approved summer school requests, and

will cover both tuition and fees and other related costs (ORC). The average award to a full-time student is approximately $34,924.70. An estimated 233 awards will be made under the Indian Health Professions Scholarship Program. The awards are for 12 months in duration and will cover both tuition and fees and ORC. The average award to a full-time student is approximately $43,105.80. In FY 2015, an estimated $10,034,760 is available for Health Professions awards, and an estimated $1,302,494 is available for Preparatory and Pre-graduate awards.

Project Period

The project period for the IHS Health Professions Preparatory Scholarship stipend support, tuition, fees and ORC is limited to two years for full-time students and the part-time equivalent of two years, not to exceed four years for part-time students. The project period for the Health Professions Pre-graduate Scholarship stipend support, tuition, fees and ORC is limited to four years for full-time students and the part-time equivalent of four years, not to exceed eight years for part-time students. The IHS Indian Health Professions Scholarship provides stipend support, tuition, fees, and ORC and is limited to four years for full-time students and the part-time equivalent of four years, not to exceed eight years for part-time students.

III. Eligibility Information

This is a limited competition announcement. New and continuation scholarship awards are limited to ''Indians'' as defined at 25 U.S.C. Section 1603(13). **Note:** The definition of ''Indians'' for Section 103 Preparatory and Pre-graduate scholarships is broader than the definition of ''Indians'' for the Section 104 Health Professions scholarship, as specified below. Continuation awards are non-competitive.

1. Eligibility

The Health Professions Preparatory Scholarship awards are made to American Indians (Federally recognized Tribal members, including those from Tribes terminated since 1940, first and second degree descendants of Federally recognized Tribal members, State recognized Tribal members and first and second degree descendants of State recognized Tribal members), or Eskimo, Aleut and other Alaska Natives who:

- Have successfully completed high school education or high school equivalency; and
- Have been accepted for enrollment in a compensatory, pre-professional general education course or curriculum.

The Health Professions Pre-graduate Scholarship awards are made to American Indians (Federally recognized Tribal members, including those from Tribes terminated since 1940, first and second degree descendants of Tribal members, and State recognized Tribal members, first and second degree descendants of Tribal members), or Eskimo, Aleut and other Alaska Natives who:

- Have successfully completed high school education or high school equivalency; and
- Have been accepted for enrollment or are enrolled in an accredited pre-graduate program leading to a baccalaureate degree in pre-medicine, pre-dentistry, pre-optometry or pre-podiatry.

The Indian Health Professions Scholarship may be awarded only to an individual who is a member of a Federally recognized Indian Tribe, Eskimo, Aleut or other Alaska Native as provided by Section 1603(13) of the IHCIA. Membership in a Tribe recognized only by a State does not meet this statutory requirement. To receive an Indian Health Professions Scholarship, an otherwise eligible individual must be enrolled in an appropriately accredited school and pursuing a course of study in a health profession as defined by Section 1603(10) of the IHCIA.

2. Cost Sharing/Matching

The Scholarship Program does not require matching funds or cost sharing to participate in the competitive grant process.

3. Benefits From State, Local, Tribal and Other Federal Sources

Awardees of the Health Professions Preparatory Scholarship, Health Professions Pre-graduate Scholarship, or Health Professions Scholarship, who accept outside funding from other scholarship, grant and fee waiver programs, will have these monies applied to their student account tuition and fees charges at the college or university they are attending, before the IHS Scholarship Program will pay any of the remaining balance, unless said outside scholarship, grant or fee waiver award letter specifically excludes use for tuition and fees. These outside funding sources must be reported on the student's invoicing documents submitted by the college or university they are attending. Student loans and Veterans Administration (VA)/GI Bill Benefits accepted by Health Professions Scholarship recipients will have no effect on the IHSSP payment made to their college or university.

IV. Application Submission Information

1. Electronic Application System and Application Handbook Instructions and Forms

Applicants must go online to *www.ihs.gov/scholarship/online_application/index.cfm* to apply for an IHS scholarship and access the Application Handbook instructions and forms for submitting a properly completed application for review and funding consideration. Applicants are strongly encouraged to seek consultation from their Area Scholarship Coordinator (ASC) in preparing their scholarship application for award consideration. ASC's are listed on the IHS Web site at: *http://www.scholarship.ihs.gov/area_coordinators.cfm.*

This information is listed below. Please review the following list to identify the appropriate IHS Area Scholarship Coordinator for your State.

IHS area office and states/locality served	Scholarship coordinator address
Great Plains Area IHS:	
Nebraska, Iowa, North Dakota, South Dakota	Ms. Kim Annis, IHS Area Scholarship Coordinator, Great Plains Area IHS, 115 4th Avenue SE., Aberdeen, SD 57401, Tel: (605) 226–7466.
Alaska Native Tribal Health Consortium Alaska	Ms. Claudia Tiepelman, Alaska Native Tribal Consortium, 4000 Ambassador Drive, Anchorage, AK 99508, Tel: (907) 729–3035, 1–800–684–8361 (toll free).
	Ms. Tasha Hotch, Alaska Native Tribal Consortium, 4000 Ambassador Drive, Anchorage, AK 99508, Tel: (907) 729–1913, 1–800–684–8361 (toll free).
Albuquerque Area IHS:	

IHS area office and states/locality served	Scholarship coordinator address
Colorado, New Mexico	Ms. Cora Boone, IHS Area Scholarship Coordinator, Albuquerque Area IHS, 5300 Homestead Road NE., Albuquerque, NM 87110, Tel: (505) 248–4418, 1–800–382–3027 (toll free).
Bemidji Area IHS: Illinois, Indiana, Michigan, Minnesota, Minnesota	Mr. Tony Buckanaga, IHS Area Scholarship Coordinator, Bemidji Area IHS, 522 Minnesota Avenue NW., Room 115A, Bemidji, MN 5661, Tel: (218) 444–0486, 1–800–892–3079 (toll free).
Billings Area IHS: Montana, Wyoming	Mr. Delon Rock Above, Alternate: Ms. Bernice Hugs, IHS Area Scholarship Coordinator, Billings Area IHS, Area Personnel Office, P.O. Box 36600, 2900 4th Avenue North, Suite 400, Billings, MT 59107, Tel: (406) 247–7215.
California Area IHS: California	Ms. Mona Celli, IHS Area Scholarship Coordinator, California Area IHS, 650 Capitol Mall, Suite 7–100, Sacramento, CA 95814, Tel: (916) 930–3983 ext 311.
Nashville Area IHS: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, District of Columbia.	Ms. Marla Jones, IHS Area Scholarship Coordinator, Nashville Area IHS, 711 Stewards Ferry Pike, Nashville, TN 37214, Tel: (615) 467–1576.
Navajo Area IHS: Arizona, New Mexico, Utah	Ms. Aletha John, IHS Area Scholarship Coordinator, Navajo Area IHS, P.O. Box 9020, Window Rock, AZ 86515, Tel: (928) 871–1360.
Oklahoma City Area IHS: Kansas, Missouri, Oklahoma, Texas	Mr. Keith Bohanan, IHS Area Scholarship Coordinator, Oklahoma City Area IHS, 701 Market Drive, Oklahoma City, OK 73114, Tel: (405) 951–3789, 1–800–722–3357 (toll free).
Phoenix Area IHS: Arizona, Nevada, Utah	Ms. Trudy Begay, IHS Area Scholarship Coordinator, Phoenix Area IHS, Suite 510, 40 North Central Avenue, Phoenix, AZ 85004, Tel: (602) 364–5219.
Portland Area IHS: Idaho, Oregon, Washington	Ms. Eugenia Parker, IHS Area Scholarship Coordinator, Portland Area IHS, 1414 NW Northrup Street, Suite 800, Portland, OR 97209, Tel: (503) 414–7745.
Tucson Area IHS: Arizona	Ms. Trudy Begay, (See Phoenix Area).

2. Content and Form Submission

Each applicant will be responsible for entering their basic applicant account information online, in addition to submitting a completed, original signature hard copy and one copy set of application documents, in accordance with the IHS Scholarship Program Application Handbook instructions, to the: IHS Scholarship Program Branch Office, 801 Thompson Avenue, TMP 450A, Rockville, MD 20852. Applicants must initiate an application through the online portal or their application will be considered incomplete. For more information on how to use the online portal, go to *www.ihs.gov/scholarship.* The portal will be open on December 19, 2014. The application will be considered complete if the following documents (original and one copy) are included:

- Completed and signed online Application Checklist.
- Completed, printed, and signed IHSSP online application form for new or continuation student.
- Current Letter of Acceptance from College/University or Proof of Application to a College/University or Health Professions Program.
- One set of official transcripts for all colleges/universities attended (or high school transcripts or Certificate of Completion of Home School Program or General Education Diploma (GED) for applicants who have not taken college courses).
- Cumulative Grade Point Average (GPA): Calculated by the applicant.
- Applicant's Documents for Indian Eligibility.

A. If you are a member of a Federally recognized Tribe or Alaska Native (recognized by the Secretary of the Interior), provide evidence of membership such as:

(1) Certification of Tribal enrollment by the Secretary of the Interior, acting through the Bureau of Indian Affairs (BIA) Certification: Form 4432—Category A or D, (whichever is applicable); or

(2) In the absence of BIA certification, documentation that you meet requirements of Tribal membership as prescribed by the charter, articles of incorporation or other legal instrument of the Tribe and have been officially designated as a Tribal member as evidenced by an accompanying document signed by an authorized Tribal official, *i.e.,* Tribal enrollment card showing enrollment number; or

(3) Other evidence of Tribal membership satisfactory to the Secretary of the Interior.

Note: If you meet the criteria of Form 4432-Category B or C, you are eligible only for the Preparatory or Pre-graduate Scholarships, which have eligibility criteria as follows in Section B

B. For Preparatory or Pre-graduate Scholarships, only: If you are a member of a Tribe terminated since 1940 or a State recognized Tribe and first or second degree descendant, provide official documentation that you meet the requirements of Tribal membership as prescribed by the charter, articles of incorporation or other legal instrument of the Tribe and have been officially designated as a Tribal member as evidenced by an accompanying document signed by an authorized Tribal official; or other evidence, satisfactory to the Secretary of the Interior, that you are a member of the Tribe. In addition, if the terminated or State recognized Tribe of which you are

a member is not on a list of such Tribes published by the Secretary of the Interior in the **Federal Register**, you must submit an official signed document that the Tribe has been terminated since 1940 or is recognized by the State in which the Tribe is located in accordance with the law of that State.

C. For Preparatory or Pre-graduate Scholarships, only: If you are not a Tribal member, but are a natural child or grandchild of a Tribal member you must submit: (1) Evidence of that fact, *e.g.,* your birth certificate and/or your parent's/grandparent's birth/death certificate showing the name of the Tribal member; and (2) evidence of your parent's or grandparent's Tribal membership in accordance with paragraphs A and B. The relationship to the Tribal member must be clearly documented. Failure to submit the required documentation will result in the application not being accepted for review.

- Two Faculty/Employer Evaluations with original signature.
- Online Narratives—Reasons for Requesting the Scholarship.
- Delinquent Debt Form with original signature.
- Course Curriculum Verification with original signature.
- Curriculum for Major.

3. Submission Dates

Application Receipt Date: The online continuation application submission deadline for continuation applicants is Saturday, February 28, 2015. Required application support documents will be accepted through Saturday, March 28, 2015.

Application Receipt Date: New applicants must print and sign their online application and checklist and submit it with their supporting documents by the postal deadline of Saturday, March 28, 2015. No supporting documents will be accepted after this date, except final Letters of Acceptance, which must be submitted no later than Saturday, May 30, 2015.

Applications and supporting documents (original and one copy) shall be considered as meeting the deadline if they are received by the IHSSP Branch Office, postmarked on or before the deadline date. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing and the application will not be considered for funding.

New and continuation applicants may check the status of their application receipt and processing by logging into their online account at *www.ihs.gov/scholarship.* Applications received with postmarks after the announced deadline date will not be considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

No more than 5% of available funds will be used for part-time scholarships this fiscal year. Students are considered part-time if they are enrolled for a minimum of six hours of instruction and are not considered in full-time status by their college/university. Documentation must be received from part-time applicants that their school and course curriculum allows less than full-time status. Both part-time and full-time scholarship awards will be made in accordance with the authorizing statutes at 25 U.S.C. 1613 and 1613a and the regulations at 42 CFR Subpart J, Subdivisions J–3, J–4, and J–8 and this information will be published in all IHSSP Application and Student Handbooks as they pertain to the IHSSP.

6. Other Submissions Requirements

New and continuation applicants are responsible for using the online application system. See section 3. Submission Dates for application deadlines.

V. Application Review Information

1. Criteria

Applications will be reviewed and scored with the following criteria.

- Academic Performance (40 points):

Applicants are rated according to their academic performance as evidenced by transcripts and faculty evaluations. In cases where a particular applicant's school has a policy not to rank students academically, faculty members are asked to provide a personal judgment of the applicant's achievement. Preparatory, Pre-graduate and Health Professions applicants with a cumulative GPA below 2.0 are not eligible for award.

- Faculty/Employer Recommendations (30 points):

Applicants are rated according to evaluations by faculty members, current and/or former employers and Tribal officials regarding the applicant's potential in the chosen health related professions.

- Stated Reasons for Asking for the Scholarship and Stated Career Goals Related to the Needs of the IHS (30 points):

Applicants must provide a brief written explanation of reasons for asking for the scholarship and of their career goals. Applicants are considered for scholarship awards based on their desired career goals and how these goals relate to current Indian health personnel needs.

The applicant's narrative will be judged on how well it is written and its content.

Applications for each health career category are reviewed and ranked separately.

- Applicants who are closest to graduation or completion of training are awarded first. For example, senior and junior applicants under the Health Professions Pre-graduate Scholarship receive funding before freshmen and sophomores.
- Priority Categories

The following is a list of health professions that will be considered for funding in each scholarship program in FY 2015.

○ Indian Health Professions Preparatory Scholarships:

A. Pre-Clinical Psychology (Jr. and Sr. undergraduate years only).

B. Pre-Nursing.

C. Pre-Pharmacy.

D. Pre-Social Work (Jr. and Sr. preparing for an MS in social work).

○ Indian Health Professions Pre-graduate Scholarships:

A. Pre-Dentistry.

B. Pre-Medicine.

C. Pre-Optometry.

D. Pre-Podiatry.

○ Indian Health Professions Scholarship:

A. Bio Medical Engineering—BS (Jr. and Sr. undergraduate years only).

B. Bio Medical Technology—AAS.

C. Chemical Dependency Counseling—Master's Degrees.

D. Clinical Psychology—Ph.D. or PsyD.

E. Coding Specialist—AAS degree.

F. Dentistry: DDS or DMD degrees.

G. Diagnostic Radiology Technology: AAS or BS.

H. Environmental Health/Sanitarian: BS (Jr. and Sr. undergraduate years only).

I. Health Records Administration: RHIT (AAS) and RHIA (BS).

J. Medical Technology: BS (Jr. and Sr. undergraduate years only).

K. Medicine: Allopathic and Osteopathic.

L. Nurse: Associate and Bachelor Degrees and advanced degrees in Psychiatry, Geriatric, Women's Health, Pediatric Nursing, Midwifery, Nurse Anesthetist, and Nurse Practitioner.

(Priority consideration will be given to Registered Nurses employed by the IHS; in a program conducted under a contract or compact entered into under the Indian Self-Determination Act and Education Assistance Act (Pub. L. 93–638) and its amendments; or in a program assisted under Title V of the IHCIA).

M. Optometry: OD.

N. Pharmacy: PharmD.

O. Physician Assistant: PA–C.

P. Physical Therapy: MS and DPT.

Q. Podiatry: DPM.

R. Public Health Nutritionist: MS.

S. Respiratory Therapy: BS Degree.

T. Social Work: Masters Level only (Direct Practice and Clinical concentrations).

U. Ultrasonography (Prerequisite: Diagnostic Radiology Technology degree/certificate).

2. Review and Selection Process

The applications will be reviewed and scored by the IHS Scholarship Program's Application Review Committee appointed by the IHS. Reviewers will not be allowed to review an application from their Area or their own Tribe. Each application will be reviewed by three reviewers. The average score of the three reviews provides the final ranking score for each applicant. To determine the ranking of each applicant, these scores are sorted from the highest to the lowest within each scholarship health discipline by date of graduation and score. If several students have the same date of graduation and score within the same discipline, the computer will randomly sort the ranking list and will not sort by alphabetical name. Selections are then made from the top of each ranking list to the extent that funds allocated by the IHS among the three scholarships are available for obligation.

VI. Award Administration Information

1. Award Notices

It is anticipated that recipients applying for extension of their scholarship funding will be notified in writing during the first week of June 2015 and new applicants will be notified in writing during the first week of July 2015. An Award Letter will be issued to successful applicants. Unsuccessful applicants will be notified in writing, which will include a brief explanation of the reason(s) the application was not successful and provide the name of the IHS official to contact if more information is desired.

2. Administrative and National Policy Requirements

Regulations at 42 CFR 136.304 provide that the IHS shall, from time to time, publish a list of allied health professions eligible for consideration for the award of IHS Indian Health Professions Preparatory and Pre-graduate Scholarships and IHS Indian Health Professions Scholarships. Section 104(b)(1) of the IHCIA, 25 U.S.C. 1613a(b)(1), authorizes the IHS to determine the distribution of scholarships among the health professions.

Awards for the Indian Health Professions Scholarships will be made in accordance with 42 CFR 136.330–136.334. Awardees shall incur a service obligation prescribed under the IHCIA, Section 1613a(b), which shall be met by service, through full-time clinical practice:

(1) In the IHS;

(2) In a program conducted under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638) and its amendments;

(3) In a program assisted under Title V of the Indian Health Care Improvement Act (Pub. L. 94–437) and its amendments; or

(4) In a private practice option of his or her profession if the practice (a) is situated in a health professional shortage area, designated in regulations promulgated by the Secretary of Health and Human Services (Secretary) and (b) addresses the health care needs of a substantial number (75% of the total served) of Indians as determined by the Secretary in accordance with guidelines of the Service.

Pursuant to the IHCIA Section 1613a(b)(3)(C), an awardee of an IHS Health Professions Scholarship may, at the election of the awardee, meet his/her service obligation prescribed under IHCIA Section 1613a(b) by a program specified in options (1)–(4) above that:

(i) Is located on the reservation of the Tribe in which the awardee is enrolled; or

(ii) Serves the Tribe in which the awardee is enrolled, if there is an open vacancy available in the discipline for which the awardee was funded under the IHS Health Professions Scholarship during the required 90-day placement period.

In summary, all awardees of the Indian Health Professions Scholarship are reminded that acceptance of this scholarship will result in a service obligation required by both statute and contract, which must be performed, through full-time clinical practice, at an approved service payback facility. The IHS Director (Director), reserves the right to make final decisions regarding assignment of scholarship recipients to fulfill their service obligation.

Moreover, the Director, has the authority to make the final determination, designating a facility, whether managed and operated by IHS, or one of its Tribal or Urban Indian partners, consistent with IHCIA, as approved for scholar obligated service payback.

3. Reporting

Scholarship Program Minimum Academic Requirements

It is the policy of the IHS that a scholarship awardee funded under the Indian Health Professions Scholarship Program of the IHCIA must maintain a 2.0 cumulative GPA, remain in good academic standing each semester/trimester/quarter, maintain full-time student status (Institutional definition of ''minimum hours'' constituting full-time enrollment applies) or part-time student status (Institutional definition of ''minimum and maximum'' hours constituting part-time enrollment applies) for the entire academic year, as indicated on the scholarship application submitted for that academic year. The Health Professions Scholarship awardee may not change his or her enrollment status between terms of enrollment during the same academic year. New recipients may not request a Leave of Absence during the first year of their funding. In addition to these requirements, a Health Professions Scholarship awardee must be enrolled in an approved/accredited school for a Health Professions degree.

An awardee of a scholarship under the IHS Health Professions Preparatory and Health Professions Pre-graduate Scholarship authority must maintain a minimum 2.0 cumulative GPA, remain in good standing each semester/trimester/quarter and be a full-time student (Institutional definition of ''minimum hours'' constituting full-time enrollment applies, typically 12 credit hours per semester) or a part-time student (Institutional definition of ''minimum and maximum'' hours constituting part-time enrollment applies, typically 6–11 credit hours). The Preparatory and Pre-graduate awardee may not change from part-time status to full-time status or vice versa in the same academic year. New recipients may not request a Leave of Absence during the first year of their funding.

The following reports must be sent to the IHSSP at the identified time frame. Each scholarship awardee will have

access to an online Recipient Handbook and required program forms and instructions on when, how, and to whom these must be submitted, by logging into the IHSSP Web site at *www.ihs.gov/scholarship.* If a scholarship awardee fails to submit these forms and reports as required, they will be ineligible for continuation of scholarship support and scholarship award payments will be discontinued.

A. Recipient's and Initial Progress Report

Within thirty (30) days from the beginning of each semester/trimester/quarter, scholarship awardees must submit a Recipient's Initial Program Progress Report (Form IHS–856–8, found on the IHS Scholarship Program Web site at *www.ihs.gov/scholarship*).

B. Transcripts

Within thirty (30) days from the end of each academic period, *i.e.,* semester/trimester/quarter, or summer session, scholarship awardees must submit an Official Transcript showing the results of the classes taken during that period.

C. Notification of Academic Problem

If at any time during the semester/trimester/quarter, scholarship awardees are advised to reduce the number of credit hours for which they are enrolled below the minimum of the 12 (or the number of hours considered by their school as full-time) for a full-time student or at least six hours for part-time students, or if they experience academic problems, they must submit this report (Form IHS–856–9, found on the IHS Scholarship Program Web site at *www.ihs.gov/scholarship*).

D. Change of Status

- Change of Academic Status

Scholarship awardees must immediately notify their Scholarship Program Analyst if they are placed on academic probation, dismissed from school, or voluntarily withdraw for any reason (personal or medical).

- Change of Health Discipline

Scholarship awardees may not change from the approved IHSSP health discipline during the school year. If an unapproved change is made, scholarship payments will be discontinued.

- Change in Graduation Date

Any time that a change occurs in a scholarship awardee's expected graduation date, they must notify their Scholarship Program Analyst immediately in writing. Justification must be attached from the school advisor.

VII. Agency Contacts

1. Questions on the application process may be directed to the appropriate IHS Area Scholarship Coordinator.

2. Questions on other programmatic matters may be addressed to: Chief, Scholarship Program, 801 Thompson Avenue, TMP 450A, Rockville, Maryland 20852. Telephone: (301) 443–6197 (This is not a toll-free number)

3. Questions on payment information may be directed to: Mr. Craig Boswell, Grants Scholarship Coordinator, Division of Grants Management, Indian Health Service, 801 Thompson Avenue, TMP 360, Rockville, Maryland 20852. Telephone: (301) 443–0243 (This is not a toll-free number).

VIII. Other Information

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of *Healthy People 2020,* a PHS-led activity for setting priority areas. This program announcement is related to the priority area of Education and Community-Based Programs. Potential applicants may download a copy of *Healthy People 2020* from *http://www.healthypeople.gov.*

Interested individuals are reminded that the list of eligible health and allied professions is effective for applicants for the 2015–2016 academic year. These priorities will remain in effect until superseded. Applicants who apply for health career categories not listed as priorities during the current scholarship cycle will not be considered for a scholarship award.

Dated: December 4, 2014.

Yvette Roubideaux,

Acting Director, Indian Health Service.

[FR Doc. 2014–29432 Filed 12–19–14; 8:45 am]

BILLING CODE 4165–16–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; Topics in Host/Bacterial Interactions.

Date: January 7, 2015.

Time: 2:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marci Scidmore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 301–435–1149, *marci.scidmore@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Technologies for Healthy Independent Living.

Date: January 16, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, 301–237–9870, *xuguofen@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 17, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–29841 Filed 12–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the Council of Councils.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should

notify the Contact Person listed below in advance of the meeting.

A portion of 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: Council of Councils.

Open: January 30, 2015.

Time: 8:15 a.m. to 11:30 a.m.

Agenda: Council Business Matters and Updates; Primate Models Resources; New Science, New Vaccines . . . Only in the NHP Model; Inclusion of Women and Minorities in Clinical Research—2014 Biennial Advisory Council Report; NIH Update.

Place: National Institutes of Health; 9000 Rockville Pike; Building 31, C Wing, 6th Floor; Conference Room 10; Bethesda, MD 20892.

Closed: January 30, 2015.

Time: 12:15 p.m. to 1:45 p.m.

Agenda: Review of grant applications.

Place: National Institutes of Health; 9000 Rockville Pike; Building 31, C Wing, 6th Floor; Conference Room 10; Bethesda, MD 20892.

Open: January 30, 2015.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: Plans for Implementing Recommendations from the Council of Councils Common Fund; Review of and Vote on Common Fund Revisions to the Council Operating Procedures; Update on Phase 2 Common Fund Planning—Enabling Exploration of the Eukaryotic Epitranscriptome (E4).

Place: National Institutes of Health; 9000 Rockville Pike; Building 31, C Wing, 6th Floor; Conference Room 10; Bethesda, MD 20892.

Contact Person: Franziska Grieder, DVM, Ph.D.; Executive Secretary; Director; Office of Research Infrastructure Programs; Division of Program Coordination, Planning, and Strategic Initiatives; Office of the Director, NIH; 6701 Democracy Boulevard, Room 948; Bethesda, MD 20892; *GriederF@mail.nih.gov*; 301–435–0744.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Information is also available on the Council of Council's home page at *http://dpcpsi.nih.gov/council/* where an agenda will be posted before the meeting date

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: December 16, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–29843 Filed 12–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: January 27–28, 2015.

Open: January 27, 2015, 1:00 p.m. to 4:45 p.m.

Agenda: Discussion of Program Policies and Issues.

Place: National Institutes of Health, Building 35A, 35A Convent Drive, Room: 620, Bethesda, MD 20892.

Closed: January 28, 2015, 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 35A, 35A Convent Drive, Room: 620, Bethesda, MD 20892.

Contact Person: Ann R. Knebel, DNSC, RN, FAAN, Deputy Director, National Institute of Nursing Research, National Institutes of Health, 31 Center Drive, Building 31, Room 5B05, Bethesda, MD 20892, 301–496–8230, *knebelar@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nih.gov/ninr/a_advisory.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: December 17, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–29840 Filed 12–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Diabetes Mellitus Interagency Coordinating Committee Meeting

SUMMARY: The Diabetes Mellitus Interagency Coordinating Committee (DMICC) will hold a meeting on January 20, 2015. The topic for this meeting will be a report and discussion of the findings of a recent consensus conference on glucose monitoring. The meeting is open to the public.

DATES: The meeting will be held on January 20, 2015 from 1:30 p.m. to 4:00 p.m. Individuals wanting to present oral comments must notify the contact person at least 10 days before the meeting date.

ADDRESSES: The meeting will be held in Building 45 Conference Room D, on the NIH Campus in Bethesda, MD.

FOR FURTHER INFORMATION CONTACT: For further information concerning this meeting, see the DMICC Web site, *www.diabetescommittee.gov,* or contact Dr. B. Tibor Roberts, Executive Secretary of the Diabetes Mellitus Interagency Coordinating Committee, National Institute of Diabetes and Digestive and Kidney Diseases, 31 Center Drive, Building 31A, Room 9A19, MSC 2560, Bethesda, MD 20892–2560, telephone: 301–496–6623; FAX: 301–480–6741; email: *dmicc@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The DMICC, chaired by the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) comprising members of the Department of Health and Human Services and other federal agencies that support diabetes-related activities, facilitates cooperation, communication, and collaboration on diabetes among government entities. DMICC meetings, held several times a year, provide an opportunity for Committee members to learn about and discuss current and future diabetes programs in DMICC member organizations and to identify opportunities for collaboration. The January 20, 2015 DMICC meeting will focus on outcomes from a consensus conference held jointly by the American Association of Clinical Endocrinologists and the American College of Endocrinology, which took place September 28–29, 2014.

Any member of the public interested in presenting oral comments to the Committee should notify the contact person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives or organizations should submit a letter of intent, a brief description of the organization represented, and a written copy of their oral presentation in advance of the meeting. Only one representative of an organization will be allowed to present; oral comments and presentations will be limited to a maximum of 5 minutes. Printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the Committee by forwarding their statement to the contact person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Because of time constraints for the meeting, oral comments will be allowed on a first-come, first-serve basis.

Members of the public who would like to receive email notification about future DMICC meetings should register for the listserv available on the DMICC Web site, *www.diabetescommittee.gov.*

Dated: December 15, 2014.

B. Tibor Roberts,

Executive Secretary, Office of Scientific Program and Policy Analysis, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2014–29883 Filed 12–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Initial Review Group; Subcommittee I—Transition to Independence.

Date: February 24–25, 2015.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Sergei Radaev, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH 9609 Medical Center Drive, Room 7W634, Bethesda, MD 20892–9750, 240–276–6466, *sradaev@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/irg/irg.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: December 17, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–29838 Filed 12–19–14; 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: Neurological Sciences Training Initial Review Group; NST–2 Subcommittee.

Date: March 9–10, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Elizabeth A. Webber, 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, 301–496–1917, *webbere@mail.nih.gov.*

(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 16, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–29844 Filed 12–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the NIH Advisory Board for Clinical Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended because the premature disclosure of to discuss personnel matters and the discussions would likely to significantly frustrate implementation of recommendations.

Name of Committee: NIH Advisory Board for Clinical Research.

Date: January 26, 2015.

Open: 10:00 a.m. to 1:30 p.m.

Agenda: To review the 2015 Clinical Center Strategic and Annual Operating Plan and provide updates on selected organizational initiatives.

Place: National Institutes of Health, Building 10, CRC Medical Board Room 4–2551, 10 Center Drive, Bethesda, MD 20892.

Closed: 1:30 p.m. to 2:00 p.m.

Agenda: Discussion of personnel matters.

Place: National Institutes of Health, Building 10, CRC Medical Board Room 4–2551, 10 Center Drive, Bethesda, MD 20892.

Contact Person: Maureen E. Gormley, Executive Secretary, Mark O. Hatfield Clinical Research Center, National Institutes of Health, Building 10, Room 6–2551, Bethesda, MD 20892 (301) 496–2897.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: December 17, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–29845 Filed 12–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; P50 Aphasia Review.

Date: January 28, 2015.

Time: 12:30 p.m. to 4:00 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: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health Rockville, MD 20850, 301–402–3587, *rayk@nidcd.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; VSL Clinical Trial Review.

Date: March 9, 2015.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6001 Executive Blvd., Room 8343, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Tinnitus Hearing Clinical Trial Review.

Date: March 24, 2015.

Time: 5:00 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6001 Executive Blvd., Room 8343, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Otitis Media Hearing Clinical Trial Review.

Date: April 1, 2015.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6001 Executive Blvd., Room 8343, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: December 17, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–29839 Filed 12–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Special Emphasis Panel; The Role of

Microbial Metabolites in Cancer Prevention and Etiology.

Date: February 6, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Clifford W. Schweinfest, Ph.D. Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W108, Bethesda, MD 20892–9750, 240–276–6343, *schweinfestcw@mail.nih.gov*.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: December 16, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–29842 Filed 12–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0045]

Agency Information Collection Activities: Petition by Entrepreneur To Remove Conditions, Form I–829; Revision 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 September 15, 2014, at 79 FR 55008, allowing for a 60-day public comment period. USCIS received one comment submission 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 21, 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 1615–0045.

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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition by Entrepreneur to Remove Conditions on Permanent Resident Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–829; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form is used by a conditional resident alien entrepreneur who obtained such status through a qualifying investment, to apply to remove conditions on his or her conditional resident status, and on the conditional resident status for his or her spouse and children.

(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 Form I–829 is 1,500 and the estimated hour burden per response is 3 hours (180 minutes), and for biometrics collection 1,500 at 1.16 hours (70 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 6,240 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 $183,750.

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 17, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–29918 Filed 12–19–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Customs Brokers User Fee Payment for 2015

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document provides notice to customs brokers that the annual fee of $138 that is assessed for each permit held by a broker, whether it may be an individual, partnership, association, or corporation, is due by February 27, 2015.

DATES: Payment of the 2015 Customs Broker User Fee is due by February 27, 2015.

FOR FURTHER INFORMATION CONTACT: Brian Barulich, Broker Management Branch, Office of International Trade, (202) 863–6099.

SUPPLEMENTARY INFORMATION: Pursuant to § 111.96 of title 19 of the Code of Federal Regulations (19 CFR 111.96(c)), U.S. Customs and Border Protection (CBP) assesses an annual user fee of $138 for each customs broker district and national permit held by an individual, partnership, association, or corporation. CBP regulations provide that this fee is payable for each calendar year in each broker district where the broker was issued a permit to do business by the due date which is published in the **Federal Register** annually. *See* 19 CFR 24.22(h) and (i)(9). Broker districts are defined in the General Notice entitled, ''Geographical Boundaries of Customs Brokerage, Cartage and Lighterage Districts'' published in the **Federal Register** on September 27, 1995 (60 FR 49971).

As required by 19 CFR 111.96, CBP must provide notice in the **Federal Register** no later than 60 days before such due date on which the payment is due for each broker permit. This document notifies customs brokers that for calendar year 2015, the due date for payment of the user fee is February 27, 2015. It is anticipated that for subsequent years, the annual user fee for customs brokers will be due on the last business day of February of each year.

Dated: December 17, 2014.

Brenda B. Smith,

Assistant Commissioner, Office of International Trade.

[FR Doc. 2014–29942 Filed 12–19–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

New Date for the April 2015 Customs Broker License Examination

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces that U.S. Customs and Border Protection has changed the date on which the semi-annual written examination for an individual broker's license will be held in April 2015.

DATES: The customs broker's license examination scheduled for April 2015 will be held on Monday, April 13.

FOR FURTHER INFORMATION CONTACT: John Lugo, Broker Management Branch, Office of International Trade, (202) 863–6015.

SUPPLEMENTARY INFORMATION:

Background

Section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), provides that a person (an individual, corporation, association, or partnership) must hold a valid customs broker's license and permit in order to transact customs business on behalf of others, sets forth standards for the issuance of broker's licenses and permits, and provides for the taking of disciplinary action against brokers that have engaged in specified types of infractions. This section also provides that an examination may be conducted to assess an applicant's qualifications for a license.

The regulations issued under the authority of section 641 are set forth in Title 19 of the Code of Federal Regulations, part 111 (19 CFR part 111). Part 111 sets forth the regulations regarding the licensing of, and granting of permits to, persons desiring to transact customs business as customs brokers. These regulations also include the qualifications required of applicants and the procedures for applying for licenses and permits. 19 CFR 111.11 sets forth the basic requirements for a broker's license and, 19 CFR 111.11(a)(4), provides that an applicant for an individual broker's license must attain a passing grade (75 percent or higher) on a written examination.

19 CFR 111.13 sets forth the requirements and procedures for the written examination for an individual broker's license and states that written customs broker license examinations will be given on the first Monday in April and October unless the regularly scheduled examination date conflicts with a national holiday, religious observance, or other foreseeable event.

CBP recognizes that the first Monday in April 2015 coincides with the observance of the religious holiday of Passover. In consideration of this conflict, CBP has decided to change the regularly scheduled date of the examination. This document announces that CBP has scheduled the April 2015 broker license examination for Monday, April 13, 2015.

Dated: December 16, 2014.

Brenda B. Smith,

Assistant Commissioner, Office of International Trade, U.S. Customs and Border Protection.

[FR Doc. 2014–29941 Filed 12–19–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5758–N–15]

60-Day Notice of Proposed Information Collection: Data Collection Questionnaires for Thompson v. HUD Research Study

AGENCY: Office of the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* February 20, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Thompson v. *HUD:* Interface of Mobility and Sustainability.

OMB Approval Number: N/A.

Type of Request: New.

Form Number: N/A.

Description of the Need for the Information and Proposed Use: The proposed data collection supports the research HUD is required to undertake outlined in the *Thompson* v. *HUD* et al Settlement Agreement. The purpose of this data collection is to gather demographic and experiential information on a subset of Housing Choice Voucher holders in the Baltimore metropolitan region who have received special vouchers as part of the Settlement (''Thompson vouchers''). This data collection will inform the research with information to determine whether Thompson vouchers enable(d) households to more easily relocate to neighborhoods with greater opportunity than regular voucher households. Along with data gathered from other sources, the data from this collection will be used to define neighborhoods of opportunity—providing greater access to educational, social, economic, and health benefits—and where those neighborhoods are located within the Baltimore region. Defining neighborhoods of opportunity is essential to the research, as it will allow the researchers to compare and analyze the mobility and relocation choices of Thompson and regular voucher households. This comparison will highlight the accessibility of such opportunities to the Plaintiff Class, a core component of the research requirement described in the Settlement Agreement. Positive program outcomes identified through this research will be of value to voucher programs in other regions of the country.

Respondents: Selected Housing Choice Voucher holders in the Baltimore Metropolitan region (Baltimore City and County; Anne Arundel County; Carroll County; Howard County; Harford County; and Queen Anne's County).

Estimated Number of Respondents: 226.

Estimated Number of Responses: 226.

Frequency of Response: 1.

Average Hours per Response: 1.56.

Total Estimated Burdens: 353 hours.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Thompson v. HUD Data Collection	226	1	226	1.56	353	$13.43	$4,741.14
Total	226	1	226	1.56	353	$13.43	$4,741.14

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comments in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35.

Dated: December 11, 2014.

Katherine O'Regan,

Assistant Secretary for Policy Development and Research.

[FR Doc. 2014–29885 Filed 12–19–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N253; FXIA16710900000–156–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before January 21, 2015.

ADDRESSES: Brenda Tapia, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email

address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Smithsonian National Zoological Park, Washington, DC; PRT–50855B

The applicant requests a permit to import samples from two giant panda (*Ailuropoda melanoleuca*) from captive-bred species for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 1-year period.

Applicant: Xochitl De La Rosa Reyna, Texas A&M University, College Station, TX; PRT–49163B

The applicant requests a permit to import biological specimens from Kemp's Ridley sea turtles (*Lepidochelys kempii*) collected from the wild in Mexico for the purpose of scientific research.

Applicant: Wildlife Conservation Society, Bronx, NY; PRT–48919B

The applicant requests a permit to export two male and two female captive-bred Komodo dragon (*Varanus komodoensis*) for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 1-year period.

Applicant: Texas Tech University, Department of Biological Sciences, Lubbock, TX PRT–219951

The applicant requests the re-issuance of their permit to import unlimited numbers of biological specimens from crocodiles, alligators, caimans, and gavials (Order Crocodylia) for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Catherine Rinker, Valley Center, CA; PRT–44906B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the golden parakeet (*Guaruba guarouba*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Nicholas Anastasiou, Chesterfield, MO; PRT–37027B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the radiated tortoise (A*strochelys radiate*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Henry Jeans, Houston, TX; PRT–51545B

Applicant: Lynn Hale, Montgomery, AL; PRT–50619B

Applicant: Harvey Welch, Kosciusko MS; PRT–49932B

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–29659 Filed 12–19–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMP00000 L13110000.PP0000 15XL1109PF]

Notice of Public Meeting, Pecos District Resource Advisory Council Meeting, Lesser Prairie-Chicken Habitat Preservation Area of Critical Environmental Concern (LPC ACEC) Livestock Grazing Subcommittee New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the, Federal Advisory Committee Act, Bureau of Land Management's (BLM) Pecos District Resource Advisory Council's (RAC) Lesser Prairie-Chicken (LPC) Habitat Preservation Area of Critical Environmental Concerns (ACEC) Livestock Grazing Subcommittee will, meet as indicated below.

DATES: The LPC ACEC Subcommittee will meet on February 4, 2015, at the Roswell Field Office, 2909 West Second Street, Roswell, NM 88201 at 10:00 a.m. The public may send written comments to the Subcommittee at the BLM Pecos District Office, 2909 West 2nd Street, Roswell, New Mexico, 88201.

FOR FURTHER INFORMATION CONTACT: Adam Ortega, Range Management Specialist, Roswell Field Office, Bureau of Land Management, 2909 West 2nd Street, Roswell, New Mexico 88201,

575–627–0204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8229 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 10-member Pecos District RAC elected to create a subcommittee to advise the Secretary of the Interior, through the BLM Pecos District, about possible livestock grazing within the LPC ACEC. Planned agenda items include a discussion of management strategies for the ACEC.

For any interested members of the public who wish to address the Subcommittee, there will be a half-hour public comment period beginning at 11 a.m. Depending on the number of persons wishing to speak and time available, the time for individual comments may be limited.

Michael H. Tupper,

Deputy State Director, Lands and Resources.

[FR Doc. 2014–29831 Filed 12–19–14; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17227; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Defense, Army, Fort Sill National Historic Landmark and Museum, Fort Sill, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Fort Sill National Historic Landmark and Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Fort Sill National Historic Landmark and Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Fort Sill National Historic Landmark and Museum at the address in this notice by January 21, 2015.

ADDRESSES: Dr. Scott A. Neel, Director, Fort Sill National Historic Landmark and Museum, U.S. Army Fires Center of Excellence, Fort Sill, OK 73503, telephone (580) 442–6570, email *scott.a.neel2.civ@mail.mil*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Fort Sill National Historic Landmark and Museum, Fort Sill OK. The human remains and associated funerary objects were removed from Fort Sill, Comanche County, OK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Fort Sill National Historic Landmark and Museum professional staff in consultation with representatives of the Apache Tribe of Oklahoma; Caddo Nation of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Delaware Nation, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; The Chickasaw Nation; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

History and Description of the Remains

In the early 1970s, human remains representing, at minimum, five individuals were removed from four crevice burials (sites 34CM134–34CM137) in the Cross Mountain and Rabbit Hill areas of Fort Sill. A number of crevice burials located on Fort Sill property had been disturbed and looted by the local populace and, in the 1970s, were salvaged by the Director of the Museum and Fort Sill personnel. The human remains and associated funerary objects were documented and collected and have been curated by the Fort Sill National Historic Landmark and Museum since excavation. No known individuals were identified. The 4,727 associated funerary objects are 25 brass wire bracelets, 25 unidentified metal fragments, 1 small box with hinged lid, 1 metal buckle, 1 metal ring, 7 pieces of metal earrings, 1 piece of leather, 40 shell hair pipes, 4 mammal bones, 25 fragments of fibrous material, 13 fragments of metal buttons, 13 historic pottery fragments with decoration, 145 sequins, 2,608 seed beads of various colors, 1,736 tubular beads, and 82 barrel shaped beads.

At an unknown date, human remains representing, at minimum, two individuals were removed from unknown locations, presumably on Fort Sill property. The human remains were included in the ethnological collections of the Fort Sill National Historic Landmark and Museum. The human remains include a scalp (#91.21.9) and a rattle made of human remains (#91.21.25). No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Fort Sill National Historic Landmark and Museum

Officials of the Fort Sill National Historic Landmark and Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the geographic location, artifact typologies, and burial practices,
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 7 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 4,727 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court

of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of {*list tribes in alphabetical order per the BIA list: http://www.gpo.gov/fdsys/pkg/FR-2012-08-10/pdf/2012-19588.pdf*}.

• Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Apache Tribe of Oklahoma; Caddo Nation of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Apache Tribe of Oklahoma; Caddo Nation of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Scott A. Neel, Director, Fort Sill National Historic Landmark and Museum, U.S. Army Fires Center of Excellence, Fort Sill, OK 73503, telephone (580) 442–6570, email *scott.a.neel2.civ@mail.mil,* by January 21, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Apache Tribe of Oklahoma; Caddo Nation of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma, may proceed.

The Fort Sill National Historic Landmark and Museum is responsible for notifying the Apache Tribe of Oklahoma; Caddo Nation of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Delaware Nation, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; The Chickasaw Nation; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma, that this notice has been published.

Dated: November 24, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29904 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17106: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, Formerly Colorado Historical Society, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: History Colorado has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to History Colorado. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to History Colorado at the address in this notice by January 21, 2015.

ADDRESSES: Sheila Goff, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *sheila.goff@state.co.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of History Colorado, Denver, CO. The human remains were removed from Montrose County, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made between 2010 and 2014 by History Colorado professional staff in consultation with representatives of the Comanche Nation, Oklahoma; Crow Tribe of Montana; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly the Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)); Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Pojoaque, New Mexico, Pueblo of Cochiti, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Tesuque, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shoshone Tribe of the Wind River Reservation, Wyoming; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta Del Sur Pueblo of Texas; and the Zuni Tribe of the Zuni Reservation, New Mexico. The Apache Tribe of Oklahoma; Kewa Pueblo, New Mexico (formerly the Pueblo of Santo Domingo); Kiowa Indian Tribe of Oklahoma; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pueblo of Picuris, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of San

Felipe, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Zia, New Mexico; Shoshone-Bannock Tribes of the Fort Hall Reservation; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma, were invited to consult but did not participate.

History and Description of the Remains

In the 1920s, human remains representing, at minimum, one individual were removed from the back of a shallow cave in the vicinity of Bed Rock, CO, in Montrose County, CO. The remains are of a naturally mummified child, approximately five years old, with evidence of once having been wrapped in a bark mat, which has now disintegrated. The human remains were donated to History Colorado (formerly Colorado Historical Society) in 1924. No known individuals were identified. No associated funerary objects are present.

Determinations Made by History Colorado

Officials of History Colorado have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on analysis by a physical anthropologist.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Sheila Goff, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *sheila.goff@state.co.us* by January 21, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah may proceed.

History Colorado is responsible for notifying the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah that this notice has been published.

Dated: November 3, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29890 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16901; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas Archeological Survey, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas Archeological Survey has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Arkansas Archeological Survey. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arkansas Archeological Survey at the address in this notice by January 21, 2015.

ADDRESSES: George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Arkansas Archeological Survey. The human remains and associated funerary objects were removed from multiple counties in Arkansas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Arkansas Archeological Survey professional staff in consultation with representatives of The Quapaw Tribe of Indians.

History and Description of the Remains

All of the human remains and associated funerary objects listed in this notice were recovered by the Arkansas Archeological Survey, unless otherwise noted.

In 1979, human remains representing a minimum of one individual (79–634–4) were recovered from the Menard Mound site (3AR4) in Arkansas County, AR. No known individuals were identified. The two associated funerary objects include two fragments of ceramic vessels. Diagnostic artifacts found at Menard Mound site (3AR4) indicate that these human remains were probably buried during the Menard Complex (late A.D. 1500).

At an unknown date, human remains representing a minimum of one individual (85–815) were recovered from the Roland Mound site (3AR30) in Arkansas County, AR. These human

remains were transferred from the University of Arkansas Department of Anthropology to the Arkansas Archeological Survey in 1985. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Roland Mound site (3AR30) indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500).

At an unknown date, human remains representing a minimum of three individuals (68–287) were recovered from the McBroom site (3AR46) in Arkansas County, AR. These human remains were donated to the Arkansas Archeological Survey in 1968. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the McBroom site (3AR46) indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500).

At an unknown date, human remains representing a minimum of two individuals (74–142) were recovered from the Gibbens site (3AR48) in Arkansas County, AR. These human remains were donated to the Arkansas Archeological Survey in 1974. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at Gibbens site (3AR48) indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500).

In 1968, human remains representing a minimum of one individual (68–98) were recovered from site 3CG44 in Craighead County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CG44 indicate that these human remains were probably buried during the Archaic period (8000–5000 B.C.).

In 1968, human remains representing a minimum of eleven individuals (68–126, 68–364, 68–364–36, –117, –148, –160, –217, –232, –233, –272) were recovered from the Frierson II site (3CG54) in Craighead County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Frierson II site (3CG54) indicate that these human remains were probably buried during the late Archaic period (3000–500 B.C.).

In 1974, human remains representing a minimum of one individual (74–461) were recovered from site 3CG469 in Craighead County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CG469 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (76–311) were recovered from an unknown site in Cross County, AR. These human remains were donated to the Arkansas Archeological Survey in 1976. No known individuals were identified. No associated funerary objects are present. These human remains are believed to date from the Prehistoric period (11,560 B.C.–A.D.1600) based on the physical conditions of the remains.

In 1974, human remains representing a minimum of one individual (74–1057) were recovered from site 3CS9 in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CS9 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1970, 1971, 1972, 1973, and 1979, human remains representing a minimum of six individuals (70–718–6, 71–361, 72–200, 72–200–6, 79–833, 73–33) were recovered from the Potter's Mounds site (3CS27) in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Potter's Mounds site (3CS27) indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500).

At an unknown date, human remains representing a minimum of two individuals (76–319) were recovered from the Togo/Holcomb Mounds site (3CS28) in Cross County, AR. These human remains were donated to the Arkansas Archeological Survey in 1976. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Togo/Holcomb Mounds site (3CS28) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual were recovered from site 3CS29 near Parkin, Cross County, AR. These human remains were donated to the Arkansas Archeological Survey. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CS29 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (76–304) were recovered from site 3CS40 in Cross County, AR. These human remains were donated to the Arkansas Archeological Survey in 1976. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CS40 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1974, human remains representing a minimum of one individual (74–1049) were recovered from site 3CS60 in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CS60 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (87–649) were recovered from the Fortune Mounds site (3CS71) in Cross County, AR. These human remains were donated to the Arkansas Archeological Survey in l987. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Fortune Mounds site (3CS71) indicate that these human remains were probably buried during the Parkin phase of the Late Mississippian period (A.D. 1300–1500).

In 1991, human remains representing a minimum of one individual (91–1008–3–15) were recovered from the Welshans Place site (3CS73) in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Welshans Place site (3CS73) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1985, human remains representing a minimum of two individuals (85–918, 85–918–1) were recovered from the Block site (3CS90) in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Block site (3CS90) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of two individuals (66–117, Burial 1 and 1A) were recovered from site 3CS92 in Cross County, AR. These human remains were donated to the Arkansas Archeological Survey at an unknown date. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CS92 indicate that these human remains were

probably buried during the Late Woodland period (A.D. 500–900).

In 1971, human remains representing a minimum of one individual (71–378) were recovered from site 3CS109 in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CS109 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1971 and 1987, human remains representing a minimum of nine individuals (71–499–23, 36, 53, 69, 87–1, 87–2, 81) were recovered from the Wampler #2 site (3CS117) in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Wampler #2 site (3CS117) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1971, human remains representing a minimum of three individuals (71–500–171, 495–1, -2) were recovered from the Wampler #3 site (3CS118) in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Wampler #3 site (3CS118) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of four individuals (72–623 A & B) were recovered from the Edwards site (3CS120) in Cross County, AR. These human remains were donated to the Arkansas Archeological Survey in 1972. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Edwards site (3CS120) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1972 and 1973, human remains representing a minimum of one individual (72–224–33, 73–341–58) were recovered from site 3CS123 in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CS123 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1987, human remains representing a minimum of one individual (87–858) were recovered from site 3CS202 in Cross County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CS202 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of three individuals were recovered from an unknown site in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. These human remains are believed to date from the Prehistoric period (11,650 B.C.–A.D.1600) based on the physical condition of the remains.

In 1971 and 1993, human remains representing a minimum of two individuals (71–496 and 93–1195) were recovered from site 3CT3 in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT3 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1991 and 1992, human remains representing a minimum of one individual (91–969–13–16, 92–1147–14–16) were recovered from site 3CT11 in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT11 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1968 and 1989, human remains representing a minimum of two individuals (68–258–2 and 89–795) were recovered from the Barton Ranch site (3CT18) in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Barton Ranch site (3CT18) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1995, human remains representing a minimum of one individual (95–605–72) were recovered from site 3CT32 in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT32 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1986, human remains representing a minimum of one individual (86–588–1) were recovered from site 3CT33 in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT33 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1978, human remains representing a minimum of one individual (78–1163) were recovered from site 3CT36 in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT36 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1989 and 1990, human remains representing a minimum of two individuals (89–565, 505, 90–339) were recovered from site 3CT40 in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT40 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (89–301, burial A, burial B) were recovered from site 3CT43 in Crittenden County, AR. These human remains were donated to the Arkansas Archeological Survey in 1989. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT43 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1982, human remains representing a minimum of five individuals (82–965, burial 1, 2, 2a, 3, and 3a) were recovered from the Ross site (3CT50) in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Ross site (3CT50) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1995, human remains representing a minimum of one individual (95–617–37) were recovered from site 3CT77 in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT77 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual were recovered from site 3CT88 in Crittenden County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT88 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1972 and 1974, human remains representing a minimum of two individuals (72–444, 74–716) were recovered from site 3CY42 in Clay County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts

found at site 3CY42 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (619–116) were recovered from site 3CY44 in Clay County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CY44 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1972, human remains representing a minimum of one individual (72–624) were recovered from the Crafton #1 site (3CY88) in Clay County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Crafton #1 site (3CY88) indicate that these human remains were probably buried during the Late Woodland period (A.D. 500–900).

In 1984, human remains representing a minimum of two individuals (84–903–20) were recovered from the Grady site (3CY258) in Clay County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CY258 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1970 and 1980, human remains representing a minimum of nine individuals (70–146–1, 70–167–45, 80–352, 80–352 A&B, 70–167, 80–416) were recovered from the Schug site (3GE2) in Greene County, AR. These human remains were donated to the Arkansas Archeological Survey. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Schug site (3GE2) indicate that these human remains were probably buried during the Middle Mississippian period (A.D. 900–1500) and Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (80–416) were recovered from site 3GE31 in Greene County, AR. These human remains were donated to the Arkansas Archeological Survey in 1980. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the site 3GE31 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (Burial 1) were recovered from the Dalton Field/Sloan site (3GE94) in Greene County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Dalton Field/Sloan site (3GE94) indicate that these human remains were probably buried during the Prehistoric period (3000 B.C.–A.D. 1600).

In 1987, human remains representing a minimum of four individuals (87–650–80, 87–650) were recovered from site 3GE346 in Greene County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3GE346 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (92–689) was recovered from site 31N3 in Independence County, AR. These human remains were donated to the Arkansas Archeological Survey in 1992. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 31N3 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1968 and 1972, human remains representing a minimum of five individuals (68–538 Burial 1, 68–539–1, 68–539–1, 72–539, 72–289) were recovered from the Magness site (31N8) in Independence County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Magness site (3IN8) indicate that these human remains were probably buried during the Protohistoric period (A.D. 1500–1673).

At an unknown date, human remains representing a minimum of two individuals (79–940, 81–362) were recovered from the Engineer's Mound site (31N25) in Independence County, AR. These human remains were donated to the Arkansas Archeological Survey in 1979 and 1981. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Engineer's Mound site (31N25) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of two individuals (72–310) were recovered from the Walls Lake West site (3IN39) in Independence County, AR. These human remains were donated to the Arkansas Archeological Survey in 1972. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Walls Lake West site (3IN39) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of two individuals (70–66A, 70–66) were recovered from site 3IZ16 in Izard County, AR. These human remains were donated to the Arkansas Archeological Survey in 1970. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3IZ16 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (79–1065–52) were recovered from the Guion site (3IZ136) in Izard County, AR. These human remains were donated to the Arkansas Archeological Survey in 1979. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Guion site (3IZ136) indicate that these human remains were probably buried during the Middle Mississippian period (A.D. 1100–1300).

At an unknown date, human remains representing a minimum of one individual were recovered from the Nick of Time site (3JA7) in Jackson County, AR. These human remains were donated to the Arkansas Archeological Survey. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Nick of Time site (3JA7) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (68–140–31) were recovered from site 3JA16 in Jackson County, AR. These human remains were donated to the Arkansas Archeological Survey in 1968. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3JA16 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1968 and 1976, human remains representing a minimum of two individuals (68–415, 76–1475) were recovered from site 3JA23 in Jackson County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3JA23 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1968, human remains representing a minimum of one individual (68–519) were recovered from site 3JA33 in

Jackson County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3JA33 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1968, human remains representing a minimum of three individuals (68–522) were recovered from site 3JA36 in Jackson County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3JA36 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual were recovered from site 3JA273 in Jackson County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3JA273 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1978, human remains representing a minimum of nine individuals (78–1146–55, 59, 97, 143, 144, 145, 146, 147, 142) were recovered from the Reynolds site (3JA465) in Jackson County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Reynolds site (3JA465) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (80–810–3) were recovered from the Kent Place/Lipsky site (3LE8) in Lee County, AR. These human remains were donated to the Arkansas Archeological Survey in 1980. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Kent Place/Lipsky site (3LE8) indicate that these human remains were probably buried during the Mississippian (A.D. 900–1500) to Kent Phase (A.D.1300–1600) periods.

At an unknown date, human remains representing a minimum of five individuals were recovered from the Clay Hill site (3LE11) in Lee County, AR. These human remains were donated to the Arkansas Archeological Survey in 1977 and 1994. No known individuals were identified.

In 1978, 1988, and 1989 human remains representing a minimum of seven individuals were recovered from the Clay Hill site (3LE11) in Lee County, AR. No known individuals were identified. The 14 associated funerary objects include one shell tempered wide-mouthed bottle, one shell tempered bowl, one marine shell pendant, one large shell bead, eight small shell beads, and two fragmentary vessels. Diagnostic artifacts found at the Clay Hill site (3LE11) indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500) or Kent Phase (A.D.1300–1600).

In 1975, human remains representing a minimum of five individuals (75–155–7/15/13/26/15–1) were recovered from the Bill Carr site (3LN119) in Lonoke County, AR. No known individuals were identified. The four associated funerary objects include a burial pot, two vessels, and a reconstructed jar. Diagnostic artifacts found at the Bill Carr site (3LN119) indicate that these human remains were probably buried during the Menard Complex (late 1500 A.D.)

In 1972, human remains representing a minimum of two individuals (72–230–6, 72–306) were recovered from site 3LW44 in Lawrence County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3LW44 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of two individuals (85–820–1, 85–820–2) were recovered from the Scuttles #2 site (3LW94) in Lawrence County, AR. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Scuttles #2 site (3LW94) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1971 and 1975, human remains representing a minimum of 22 individuals (71–568–4–1-Burial 1A, 71–568–4–2-Burial 1B, 71–568-Burial 2, 71–568-Burial 3, 71–568- Burial 4, 71–568-Burial 5, 71–568–3-Burial 7, 71–569–397-Burial 8, 71–568–5-Burial 8a, 71–568–7, 71–568–7-Burial 8b, 71–568–7–1-Burial 8c, 71–568–7–2-Burial 8d, 71–568–6-Burial 9, 71–568–6–1-Burial 9a, 71–568–6–2-Burial 9b, 71–568–6–3-Burial 9c, 71–568, 71–568–58–87–355, 75–52) were recovered from the Johnny Wilson site (3LW106) in Lawrence County, AR. No known individuals were identified. The one associated funerary object includes a ceramic bowl. The associated funerary object and other diagnostic artifacts found at the Johnny Wilson site (3LW106) indicate that these human remains were probably buried during the Late Woodland and Early Mississippian periods (A.D. 750–950).

In 1973, human remains representing a minimum of one individual (73–396–14) were recovered from site 3LW111. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3LW111 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1973, human remains representing a minimum of one individual (73–399) were recovered from site 3LW115 in Lawrence County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3LW115 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1976, human remains representing a minimum of one individual (76–1450, 1451) were recovered from site 3LW347 in Lawrence County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3LW347 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (90–596–1) were recovered from site 3MO1 in Monroe County, AR. These human remains were donated to the Arkansas Archeological Survey in 1990. No known individuals were identified. The two associated funerary objects include two fragments of a shell-tempered bowl. Diagnostic artifacts found at site 3MO1 indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500).

At an unknown date, human remains representing a minimum of two individuals (83–517–1 and –2) were recovered from the Walnut Ridge site (3MO61) in Monroe County, AR. These human remains were donated to the Arkansas Archeological Survey in 1983. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Walnut Ridge site (3MO61) indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500).

In 1973, 1976, 1977, 1984, 1986, and 1989, human remains representing a minimum of five individuals (73–609, 76–1139, 86–679, 84–328, 73–1040, 77–504, 89–744) were recovered from the Floodway site (3MS2) in Mississippi County, AR. No known individuals

were identified. No associated funerary objects are present. Diagnostic artifacts found at the Floodway site (3MS2) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1972, 1973, 1979, and 1980, human remains representing a minimum of three individuals (72–658, 80–342, 79–1566, 73–435, 79–344) were recovered from the Middle Nodena site (3MS3) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site the Middle Nodena site (3MS3) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1970–1974 and 1979–1980, human remains representing a minimum of 20 individuals (Burial 1, 70–353, 73–53–2, 73–55–3, 73–56–3, 73–56–3–1, 73–59–5, 73–365–3&4, 73–428–12, 73–431–185, 73–431–245, 73–432–32, 73–431–193, 73–432–52, 73–431–194, 73–432–33, 79–347, 73–53, 71–233, 74–242, 74–241, 74–226, 72–158, 73?, 72–588, 80–343) were recovered from the Upper Nodena site (3MS4) in Mississippi County, AR. No known individuals were identified. The one associated funerary object includes a large, plain ceramic vessel found covering one of the burials. The associated funerary object and other diagnostic artifacts found at site 3MS4 indicate that these human remains were probably buried during the Late Woodland and Early Mississippian periods (A.D. 750–950).

In 1972, 1978, 1979, 1980, 1984, and 1992, human remains representing a minimum of six individuals (72–457, 78–1042, 92–1078, 92–1090, 79–306, 84–316, 79–1560, 80–336) were recovered from the Chickasaba site (3MS5) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Chickasaba site (3MS5) indicate that these human remains were probably buried during the Nodena Phase of the Late Mississippian period (A.D. 1400–1650) and the Late Prehistoric period (A.D. 1000–1600).

In 1971, human remains representing a minimum of one individual (71–28–7) were recovered from the Tucker site (3MS10) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Tucker site (3MS10) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1970, human remains representing a minimum of one individual (70–902) were recovered from the Carson Lake site (3MS13) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Carson Lake site (3MS13) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1972–1973, human remains representing a minimum of five individuals (73–434, 72–568) were recovered from the Notgrass site (3MS15) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Notgrass site (3MS15) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1980, human remains representing a minimum of one individual (80–369) were recovered from site 3MS17 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the site 3MS17 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of two individuals (68–999, 85–808) were recovered from site 3MS18 in Mississippi County, AR. These human remains were donated to the Arkansas Archeological Survey in 1965 and 1985. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS18 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1967, 1973, and 1980, human remains representing a minimum of four individuals (65–157, 73–26, 80–306) were recovered from site 3MS22 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS22 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1970, 1973, 1974, 1975, 1978, 1980, and 1982, human remains representing a minimum of 34 individuals (Burial B1, B2, A, North Trench, Trench 2, 70–452, 72–305, 73–426–A, B, C, Trench Burial, 74–121–1143, 74–122, 78–346, 78–1342, 80–379, 74–122, 121, 70–332, 73–43, B, Trench Burial B, 75–665, 82–670) were recovered from the Armorel site (3MS23) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at Armorel site (3MS23) indicate that these human remains were probably buried during the Nodena Phase of the Late Mississippian period (A.D. 1400–1650).

In 1970, human remains representing a minimum of one individual (70–918) were recovered from the Big Lake Bridge site (3MS24) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Big Lake Bridge site (3MS24) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1973 and 1974, human remains representing a minimum of two individuals (74–635–3, 73–587) were recovered from site 3MS53 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS53 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1979, human remains representing a minimum of one individual (79–877) were recovered from site 3MS55 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS55 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of 23 individuals (Jaw 13, 23, 36, 40, 43, 66, 65, 44, 45, 48, 54, 62, Burial 184, 184B, Jaw unknown, 1, 3, 4, 5, 6, 7, B.184 Miscellaneous, 84–920) were recovered from the Golden Lake site (3MS60) in Mississippi County, AR. These human remains were donated to the Arkansas Archeological Survey in 1984. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Golden Lake site (3MS60) indicate that these human remains were probably buried during the Nodena phase of the Late Mississippian period (A.D. 1400–1650).

In 1971 and 1972, human remains representing a minimum of two individuals (71–498, 72–564) were recovered from the Terry #2 site (3MS65) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Terry #2 site (3MS65) indicate that these human remains were probably buried during the Nodena phase of the Late Mississippian period (A.D. 1400–1650) and the Late Prehistoric period (A.D. 1000–1600).

In 1984, human remains representing a minimum of one individual (84–920) were recovered from the Smith site (3MS71) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Smith site (3MS71) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1970 and 1972, human remains representing a minimum of two individuals (70–356, 72–659) were recovered from the Libbon site (3MS73) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Libbon site (3MS73) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1980, human remains representing a minimum of one individual (80–344) were recovered from site 3MS80 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS80 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1972, human remains representing a minimum of one individual (72–470) were recovered from site 3MS93 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS93 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1973, human remains representing a minimum of one individual (73–608) were recovered from site 3MS100 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS100 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1980, human remains representing a minimum of one individual (80–322) were recovered from site 3MS104 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS104 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1978 and 1979, human remains representing a minimum of two individuals (79–888, 305, 78–942, 313) were recovered from the Eaker site (3MS105) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Eaker site (3MS105) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (82–324) were recovered from site 3MS106 in Mississippi County, AR. These human remains were donated to the Arkansas Archeological Survey in 1982. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS106 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1980, human remains representing a minimum of one individual (80–312) were recovered from site 3MS111 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS111 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of two individuals (burial 1, burial 2) were recovered from site 3MS311 in Mississippi County, AR. These human remains were donated to the Arkansas Archeological Survey. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS311 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1982, human remains representing a minimum of one individual (82–673) were recovered from site 3MS319 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS319 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1982, human remains representing a minimum of one individual (82–670) were recovered from site 3MS323 in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3MS323 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1971, human remains representing a minimum of one individual (71–498) were recovered from the Costner #2 site (3MS541) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Costner #2 site (3MS541) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1990, human remains representing a minimum of one individual (90–342) were recovered from the Costner #3 site (3MS542) in Mississippi County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Costner #3 site (3MS542) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1973, 1976, and an unknown date, human remains representing a minimum of three individuals (73–595, 76–1084, unknown) were recovered from site 3PO2/23 in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3PO2/23 indicate that these human remains were probably buried during the Late Prehistoric period (1000–1600 A.D.).

In 1968, human remains representing a minimum of two individuals (68–232, Burials 1 and 2) were recovered from the Bay Village site (3PO3) in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Bay Village site (3PO3) indicate that these human remains were probably buried during the Middle Mississippian period (A.D. 1100–1300).

At an unknown date and in 1968 and 1974, human remains representing a minimum of two individuals (68–791–31, 74–778) were recovered from the Hazel site (3PO6) in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Hazel site (3PO6) indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500) or Late Prehistoric period (A.D. 1000–1600).

In 1974, 1975, and 1979, human remains representing a minimum of two individuals (75–697, 74–870, 79–811, 74–872) were recovered from site 3PO23 in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the site indicate that these human remains were

probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1974, 1979, and 1980, human remains representing a minimum of 10 individuals (74–866, 79–1040–238, –239, –261, –262, –272, 80–427–33, –35) were recovered from site 3PO24 in Poinsett County, AR. No known individuals were identified. The four associated funerary objects include one Neeley's Ferry Plain bottle, one Neeley's Ferry Plain effigy bowl, and two shell beads. The associated funerary objects and other diagnostic artifacts found at the site indicate that these human remains were probably buried during the Mississippian (A.D. 900–1500), Parkin Phase (A.D. 1300–1600) or Late Prehistoric (A.D. 100–1600) period.

In 1972, 1973, 1975, and 1982, human remains representing a minimum of three individuals (72–197, 73–367, 75–311, 82–309) were recovered from 3PO26 in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at 3PO26 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1969, human remains representing a minimum of 21 individuals (69–705–99, –100, –102, –103, –104, –105, –107, –108, –109, –110, unknown) were recovered from the Floodway Mounds site (3PO46) in Poinsett County, AR. No known individuals were identified. The 17 associated funerary objects include two ceramic bottles, fourteen vessels, and one jar. These associated funerary objects and other diagnostic artifacts found at the Floodway Mounds site (3PO46) indicate that these human remains were probably buried during the Cherry Valley Phase (A.D. 1000–1200).

In 1967, human remains representing a minimum of five individuals (67–144–4, –2, –7, –56, 67–144–1–2–4) were recovered from the Hyneman #1 site (3PO52) in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts recovered from the Hyneman #1 site (3PO52) indicate that these remains were probably buried during the Middle Mississippian period (A.D. 1100–1300).

In 1967, human remains representing a minimum of three individuals (67–159, 67–159–?) were recovered from 3PO54 in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at 3PO54 indicate that these human remains were probably buried during the Middle Mississippian period (A.D. 1100–1300).

In 1979, human remains representing a minimum of one individual (79–815) were recovered from site 3PO59 in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3PO59 indicate that these human remains were probably buried during the Middle Mississippian period (A.D. 1100–1300).

In 1970, human remains representing a minimum of one individual (70–448) were recovered from site 3PO146 in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3PO146 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1970, human remains representing a minimum of one individual (70–923) were recovered from site 3PO158 in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3PO158 indicate that these human remains were probably buried during the Late Marksville Phase (100 B.C.–A.D. 400).

In 1972, 1995, and an unknown date, human remains representing a minimum of seven individuals (72–203, 95–593, unknown) were recovered from the Hyneman site (3PO192) in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Hyneman site (3PO192) indicate that these human remains were probably buried during the Middle Mississippian period (A.D. 1100–1300).

In 1995, human remains representing a minimum of seven individuals (95–671, Burials 1–5) were recovered from the Rivervale site (3PO395) in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Rivervale site (3PO395) indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1981, human remains representing a minimum of three individuals (81–315, 81–315–139, –206, –255, –26, –228, –22, –45, –192, –83, –27, –139, –151, –271, –30, –229) were recovered from the McCarty site (3PO467) in Poinsett County, AR. No known individuals were identified. The 15 associated funerary objects include one shell face gorget, one greenstone celt, nine copper beads, one point, and three adzes. The associated funerary objects and diagnostic artifacts found at site 3PO467 indicate that these human remains were probably buried during the Woodland period (500 B.C.–A.D. 900).

At an unknown date, human remains representing a minimum of one individual were recovered from 3PO492 in Poinsett County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site3PO492 indicate that these human remains were probably buried during the Late Prehistoric period (A.D 1000–1600).

At an unknown date, human remains representing a minimum of two individuals (79–1525) were recovered from site 3PR20 in Prairie County, AR. These human remains were donated to the Arkansas Archeological Survey in 1979. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3PR20 indicate that these human remains were probably buried during the Woodland period (500 B.C. to A.D. 900).

At an unknown date, human remains representing a minimum of one individual (78–1216–2) were recovered from the Bull Farm #1 site (3PR26) in Prairie County, AR. These human remains were donated to the Arkansas Archeological Survey in 1978. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Bull Farm #1 site 3PR26 indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500).

At an unknown date, human remains representing a minimum of two individuals (78–1217, 89–550) were recovered from the Bull Farm #2 site (3PR27) in Prairie County, AR. These human remains were donated to the Arkansas Archeological Survey in 1978 and 1989. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Bull Farm #2 site 3PR27 indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500).

At an unknown date, human remains representing a minimum of one individual (85–508–1, Burial 1) were recovered from the Cazar, Bend of Levee site 3PR67 in Prairie County, AR. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Cazar, Bend of Levee site 3PR67 indicate that these human remains were probably buried during the Mississippian period (A.D. 900–1500).

In 1984, human remains representing a minimum of three individuals (84–712–1, 84–712, Burials 1 and 2) were recovered from the Ink Bayou site

3PU252 in Pulaski County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Ink Bayou site 3PU252 indicate that these human remains were probably buried during the Plum Bayou Phase (A.D. 750–950).

In 1987, human remains representing a minimum of 17 individuals (87–1005) were recovered from the Goldsmith Oliver site 3PU306 in Pulaski County, AR. No known individuals were identified. The 210 associated funerary objects include one Barton incised ''Helmet-like'' bowl, one Bell Plain jar, one bottle tripod, five Mississippi Plain ''Helmet'' bowls, two Mississippi Plain ''Helmet'' jar, 29 shell beads, two Old Town red bottles, one Old Town red like bottle, one Old Town Red effigy bowl, three thumbnail scrapers, five pieces of red ochre, nine Nodena arrow point preform fragment, one grooved sandstone maul, one Wallace Incised var unspec bowl, one quartz crystal, one Avenue Polychrome var unspec bottle, one engraved siltstone pendant, one sandstone rubbing/polishing stone, three perforated/gravers, nine tubular metal beads, two tubular brass beads, one untyped arrow point, four untyped arrow point fragments, five untyped point preform, 24 Nodena arrow points, two Old Town red ''Helmet'' bowl, two Mississippi Plain miniature deep bowls, seven glass beads, one chert end scraper, three brass beads, 75 metal beads, one teapot spout or pipe fragment, two metal tinkle cones, and three blades. Diagnostic artifacts found at the Goldsmith Oliver site 3PU306 indicate that these human remains were probably buried during the Menard Complex (late A.D. 1500).

At an unknown date, human remains representing a minimum of one individual (84–672) were recovered from an unknown site in Randolph County, AR. These human remains were donated to the Arkansas Archeological Survey in 1984. No known individuals were identified. No associated funerary objects are present. These human remains are believed to date from the Late Prehistoric period (A.D. 1000–1600) based on the physical conditions of the remains.

In 1978, human remains representing a minimum of one individual (78–1149–18) were recovered from the Cox site (3RA58) in Randolph County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Cox site (3RA58) indicate that these human remains were probably buried during the Middle Mississippian period (A.D. 1100–1300).

In 1994, human remains representing a minimum of one individual (94–901) were recovered from 3RA62 in Randolph County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at 3RA62 indicated that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1988, human remains representing a minimum of two individuals (88–310, 88–310–1 Burial 1A) were recovered from the Grigsby site (3RA262) in Randolph County, AR. No known individuals were identified. The four associated funerary objects include a gorget and a vessel containing two pebbles. Diagnostic artifacts found at the Grigsby site (3RA262) indicate that these human remains were probably buried during the Marksville period (100 B.C.–A.D. 400).

In 1979, human remains representing a minimum of three individuals (79–918) were recovered from 3RA274 in Randolph County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at 3RA274 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (72–224) were recovered from 3SF5 in St. Francis County, AR. These human remains were donated to the Arkansas Archeological Survey in 1972. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts from 3SF5 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1979 and at an unknown date, human remains representing a minimum of six individuals (79–1037, 79–1059, 79–1069, unknown) were recovered from the Big Eddy site (3SF9) in St. Francis County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Big Eddy site (3SF9) indicate that these human remains were probably buried during the Parkin Phase (A.D. 1300–1600) of the Late Prehistoric period (A.D. 1000–1600).

In 1995, human remains representing a minimum of two individuals (95–607–10) were recovered from 3SF66 in St. Francis County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at 3SF66 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

In 1989, human remains representing a minimum of one individual (89–623) were recovered from 3WH18 in White County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts from 3WH18 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (78–559) were recovered from 3WH25/26 in White County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3WH25/26 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of six individuals (69–355–1, 2, 3, 69–355–16) were recovered from 3WH34 in White County, AR. These human remains were donated to the Arkansas Archeological Survey in 1969. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3WH34 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of six individuals (80–340–1, 2, 3) were recovered from 3WH76 in White County, AR. These human remains were donated to the Arkansas Archeological Survey in 1980. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3WH76 indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

At an unknown date, human remains representing a minimum of one individual (81–329) were recovered from an unknown site in Woodruff County, AR. These human remains were donated to the Arkansas Archeological Survey in 1981. No known individuals were identified. No associated funerary objects are present. These remains were probably buried during the Late Prehistoric period (A.D. 1000–1600) based on the physical conditions of the remains.

In 1993, human remains representing a minimum of one individual (93–514) were recovered from site 3WO64 in Woodruff County, AR. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts from site 3WO64

indicate that these human remains were probably buried during the Late Prehistoric period (A.D. 1000–1600).

This notice presents a variety of terms commonly used in discussions of Arkansas archeology and the historical trajectories that gave rise to specific Native American communities identified in the historical record. This narrative defines those terms in the context of what we presently understand about archeological manifestations that pre-date the historic Quapaw communities who occupied villages located around the confluence of the Arkansas and Mississippi Rivers at the time of late 17th century French exploration.

The term ''prehistoric'' refers to the period beginning with the arrivals of the earliest Paleoindian migrants to the time when indigenous communities experienced their first encounters with European explorers. In Arkansas, prehistory extends from approximately 11,650 B.C. to A.D. 1541.

The earliest collections listed on the notice appear to be from Late Archaic contexts. Archeologists working in Arkansas and the Mid-South commonly divide the successive Archaic (9,600–650 B.C.), Woodland (650 B.C.–A.D. 950), and Mississippian (A.D. 950–1541) periods into Early, Middle, and Late subunits, each thought to represent more-or-less internally consistent cultural configurations that differed in one or more important ways from both earlier and later subunits. In general, the Archaic period in Arkansas prehistory represents the emergence of the first regional traditions (or, in other words, the first expressions of regional cultural differences). During the Late Archaic period, locally distinctive groups were involved in the domestication of several wild plant species and the development of early trade or exchange networks. This period witnessed the earliest attempts to transform inhabited landscapes via the construction of mounds and earthworks. Burial ceremonialism, tracing back much earlier, underwent an expansion in both frequency and elaboration. Some Late Archaic burial sites in the Mid-South provide evidence of the use of exotic material items to mark distinctions in social rank or status (though no sites like these have yet been identified in Arkansas).

Items identified with the Woodland period comprise part of the evidence that represents both an increase in expressions of cultural diversity across the region as well as expansion in levels and intensities of interaction among and between groups separated by considerable distances throughout the Eastern Woodlands. Some collections listed on this inventory are referred to the Marksville period (100 B.C.–400 A.D.), a discrete subunit of the Middle Woodland episode (100 B.C.–600 A.D.) that represents the participation of local, Lower Mississippi Valley communities in the widespread Hopewell cultural phenomenon centered in the modern states of Ohio and Illinois. The Hopewell phenomenon was characterized not only by a distinctive set of material objects (most of which represent ceremonial items), but by an elaborate form of burial ceremonialism accorded certain individuals who were interred within large mounds and typically accompanied by extensive assemblages of funerary objects. Sites attributed to this period in Arkansas tend to be small villages (some linked to nearby mound sites) that possess diagnostic ceramic assemblages.

A few other sites on the list are attributed a Late Woodland (A.D. 600–950) affiliation. Residential sites are not significantly different from Middle Woodland sites, but during this period many communities refocused cultural activities away from elaborate forms of burial ceremonialism associated with mounds and engaged instead in the development of more settled forms of agrarian life. Late Woodland villagers produced far more utilitarian ceramics, and made widespread use of bow and arrow weaponry for hunting and military purposes.

Transitional developments taking place between A.D. 700–1000 include the increased use of pulverized shell as a tempering material for fired clay ceramics, more elaborate forms of ceramic manufacture and decoration, new forms of settlement organization in which villages grew in size and added specialized mound and plaza precincts, and continued development of interregional trade and exchange networks. This era is sometimes referred to as the Late Woodland/Early Mississippi transition or, alternatively, Emergent Mississippian.

The Mississippian period (A.D. 950–1541; alternatively referred to as the ''late prehistoric'') represents an apex in the development of cultural complexity in Arkansas, especially in the Central and Lower Mississippi Valley physiographic provinces. The developments initiated during the transitional period (listed in the preceding paragraph) continued on an upward trajectory until around 1400 A.D., at which time many communities reverted to somewhat simpler forms of organization in response to various combinations of social and environmental pressures. At the height of their development, Mississippian communities intensified their agricultural production to levels that supported larger populations, more expansive trade/exchange systems, and elaborate ceremonies performed to consolidate community relationships and maintain balance with powerful spiritual forces. Advances in agricultural production stimulated related increases in competition for access to the most productive lands, ushering in turn more competition between communities that often erupted into violence and warfare.

Perhaps the most important aspect of Mississippian cultural developments relevant to present concerns is the emergence of distinctive local groups that correspond in geographical extent and cultural cohesiveness to many of the named groups (like the Quapaws) that early European explorers met, interacted with, and wrote about. A few of the sites on this inventory represent such groups, who in archeological terminology are typically referred to as cultural ''phases.''

The Cherry Valley Phase (A.D. 1050–1150) is based on the results of 1958 excavations at the Cherry Valley Mounds, sponsored by the Gilcrease Institute of Tulsa, Oklahoma. Excavations in two mounds at the site revealed the remains of buried mortuary structures, and excavations in a third mound exposed additional burials. Bundled, extended, and cremated human skeletal remains associated with a distinctive artifact assemblage provide evidence of a community expressing their identity in part through special practices for treating the remains of their dead.

The Parkin Phase (A.D. 1350–1550) is represented by a series of sites distributed along the St. Francis and Tyronza rivers. The Parkin site itself (located in the modern town of the same name) is a large, fortified village containing more than 100 houses arranged around an open plaza area adjacent to several platform mounds of various sizes. Three other categories of sites comprise the overall community: Large (3–4 ha), medium (ca. 2 ha), and small (less than 1 ha) villages, some with additional platform mounds. Like other contemporaneous manifestations, the Parkin Phase settlement pattern is distinctive, as is the associated material culture retrieved in excavations at several village sites. The geographical position of the Parkin site and its internal arrangement fit historical descriptions of the town of Casqui that was visited by the Hernando de Soto expedition in 1541. A small number of 16th century European trade goods

found at the site lend support to that inference.

The Nodena Phase (A.D. 1400–1650) consists of another series of sites located in the northeast corner of Arkansas and adjacent parts of southeast Missouri. Residential sites are not remarkably different from counterpart Parkin Phase sites, but archeologists recognize a distinctive mortuary pattern accompanied by an artifact assemblage that differs in some important ways from that found at Parkin Phase sites. As with the locational characteristics of the Parkin Phase, those of the Nodena Phase suggest that it may have been the province of Pacaha, also visited by the Soto expedition. The extant accounts of the expedition, problematic as they are, nonetheless provide convincing testimony that these two communities were bitter rivals.

The intrusion of Spanish conquistadores across the Mississippi River and into what is now Arkansas marks the beginning of another era, extending from ca. A.D. 1500–1700, that we refer to as the Protohistoric period. In simplest terms, this is the period during which Native American populations in Arkansas and the Mid-South first became aware of European visitors, perhaps had fleeting encounters with some of them (as did, for example, the residents of Casqui and Pacaha), but had not yet entered into the direct contact and regular interaction that would characterize the post-contact Colonial era.

The Protohistoric period is of crucial importance to present considerations because recent scholarship has demonstrated that Native American population declines, relocations, and cultural reorganization during this era were sufficient to stimulate development of many new cultural configurations, or ethnicities, that in at least some cases had no direct links to a specific pre-contact manifestations such as the cultural phases described in the preceding paragraphs. Indeed, many archeologists, historians, and members of the modern Quapaw tribe argue that the immediate ancestors of the Quapaw migrated ''downstream'' along the Mississippi River from earlier homelands located within or near the Ohio River valley.

Protohistoric sites listed on the present inventory are identified with the Menard Complex. This is a designation many archeologists today use in place of an earlier ''Quapaw Phase'' designation. The Quapaw Phase was based on excavations conducted in 1960 at the Menard-Hodges site and assumptions made at the time that Menard is the location of the late 17th century Quapaw village of Osotouy. Assigned to the Quapaw Phase in the following decade are artifact assemblages from several sites along the Arkansas River, extending upstream from the confluence as far as the modern city of Little Rock. These assemblages are dominated by a series of well-crafted and elaborately decorated ceramic vessels that are clearly the product of earlier Mississippian pottery-making traditions in eastern Arkansas. This linkage created a paradox with the historical scenario of a more recent arrival of the Downstream People, in the decades following the Soto entrada but preceding the 1673 voyage down the Mississippi River by the French explorers Marquette and Jolliet.

Partly in relation to this issue, the Quapaw Tribe of Oklahoma worked with Arkansas Archeological Survey staff in 2003 to investigate the Wallace Bottoms site, located along a tributary of the lower Arkansas River not far from the Menard-Hodges site. Discovered in 1998, the site produced a collection of 17th century aboriginal artifacts along with a smaller amount of French trade goods, suggesting that it may represent Osotouy and perhaps the nearby French Arkansas Post. These excavations produced a distinctive aboriginal artifact assemblage consisting of undecorated utilitarian jars that are tempered with coarse shell. Some of these jars exhibit notched filleted strips that encircle the rim below the lip. Small triangular arrow points and small end scrapers are the most common types of stone tools. These artifacts, accompanied by a few additional items including antler tine arrow points and cylindrical bone gaming pieces are similar to contemporaneous assemblages from the historic Illinois region farther up the Mississippi River. The project director, Dr. John H. House, attributes this assemblage to the colonial era Quapaws and further suggests that the Quapaw Phase as defined by the earlier work at Menard and other sites along the lower Arkansas River ''has at most indirect connections to the Quapaw people of the colonial era.''

The turmoil of the Protohistoric period and its consequences for Native American communities in Arkansas and the Mid-South leaves serious questions concerning prospects for linking historic ethnic identities to prehistoric cultural manifestations identified on the basis of archeological evidence. As a practical response to this circumstance, some modern Native American communities have asserted cultural affiliations for the purpose of NAGPRA repatriation claims based on settlement locations at the beginning of the Colonial era as documented by early European accounts. Colonial records from the late 17th century and extending through the 18th century place Quapaws in the region encompassed by the modern counties from which the collections listed above are derived. The first treaty the Quapaws signed with the United States, in 1818, further establishes residence and control over, or interest in, these portions of Arkansas.

Determinations Made by the Arkansas Archeological Survey

Officials of the Arkansas Archeological Survey have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 440 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 274 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Quapaw Tribe of Indians.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556, by January 21, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Quapaw Tribe of Indians may proceed.

The Arkansas Archeological Survey is responsible for notifying The Quapaw Tribe of Indians that this notice has been published.

Dated: October 7, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29886 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17120; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Massachusetts Amherst, Department of Anthropology, Amherst, MA; Correction; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The University of Massachusetts Amherst, Department of Anthropology has corrected an inventory of human remains and associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** on September 10, 2014. This notice corrects the minimum number of individuals and number of associated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Massachusetts Amherst, Department of Anthropology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of Massachusetts Amherst, Department of Anthropology at the address in this notice by January 21, 2015.

ADDRESSES: Julie Woods, Repatriation Coordinator, University of Massachusetts Amherst, Department of Anthropology, 215 Machmer Hall, 240 Hicks Way, Amherst, MA 01003, telephone (413) 545–2702, email *repat@anthro.umass.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the University of Massachusetts Amherst, Department of Anthropology, Amherst, MA. The human remains and associated funerary objects were removed from Northampton, Hampshire County, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals and number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (79 FR 53770–53771, September 10, 2014). Human remains and associated funerary objects from the Bark Wigwams Site, Northampton, MA, were mistakenly omitted from this Notice of Inventory Completion. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (79 FR 53770–53771, September 10, 2014), replace every instance of the date May 14, 2014 with the correct date, May 15, 2014.

In the **Federal Register** (79 FR 53770–53771, September 10, 2014), in paragraph 9, insert the following before the correction:

> In 1982 faculty and students of the University of Massachusetts, Department of Anthropology conducted a walk-over survey at the Bark Wigwams site, Northampton, Hampshire County, MA. Bone fragments representing, at minimum, one individual and associated funerary objects were surface collected and have remained at the University. No known individuals were identified. The 5 associated funerary objects are 1 lot of historic material (ceramics and coal), 1 lot of lithic flakes, 1 lot of stone tool fragments, 1 lot of rock, and 1 lot of unidentified faunal bone.

In the **Federal Register** (79 FR 53770–53771, September 10, 2014), paragraph 10 is corrected by substituting the following:

> Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 96 individuals of Native American ancestry.

In the **Federal Register** (79 FR 53770–53771, September 10, 2014), paragraph 11 is corrected by substituting the following:

> Pursuant to 25 U.S.C. 3001(3)(A), the 4,239 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Julie Woods, Repatriation Coordinator, University of Massachusetts Amherst, Department of Anthropology, 215 Machmer Hall, 240 Hicks Way, Amherst, MA 01003, telephone (413) 545–2702, email *repat@anthro.umass.edu,* by January 21, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Narragansett Indian Tribe; Stockbridge Munsee Community, Wisconsin; and Wampanoag Tribe of Gay Head (Aquinnah) may proceed.

The University of Massachusetts Amherst, Department of Anthropology is responsible for notifying the Narragansett Indian Tribe; Stockbridge Munsee Community, Wisconsin; Wampanoag Tribe of Gay Head (Aquinnah); and non-Federally recognized Indian groups, including Abenaki Nation of Missisquoi, St. Francis/Sokoki Band, VT; Abenaki Nation of New Hampshire; Cowasuck Band of the Pennacook—Abenaki People, NH; Elnu Tribe of the Abenaki, VT; Koasek (Cowasuck) Traditional Band of the Koas Abenaki Nation, VT; Koasek Traditional Band of the Sovereign Abenaki Nation, VT; Nulhegan Band of the Coosuk-Abenaki Nation, VT; and Chaubunagungamaug Nipmuck and Nipmuc Nation, MA, that this notice has been published.

Dated: November 4, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29896 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17105; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, formerly Colorado Historical Society, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: History Colorado has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native

Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to History Colorado. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to History Colorado at the address in this notice by January 21, 2015.

ADDRESSES: Sheila Goff, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *sheila.goff@state.co.us*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of History Colorado, Denver, CO. The human remains were removed from Mora County, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made between 2010 and 2014 by History Colorado professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes of Oklahoma (formerly the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Crow Tribe of Montana; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly the Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)); Pawnee Nation of Oklahoma; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Tesuque, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Shoshone Tribe of the Wind River Reservation, Wyoming; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Tonto Apache Tribe of Arizona; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Ysleta Del Sur Pueblo of Texas; and the Zuni Tribe of the Zuni Reservation, New Mexico. The Apache Tribe of Oklahoma; Kewa Pueblo, New Mexico (formerly the Pueblo of Santo Domingo); Kiowa Indian Tribe of Oklahoma; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pueblo of Picuris, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Zia, New Mexico; Shoshone-Bannock Tribes of the Fort Hall Reservation; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie) were invited to consult but did not participate.

History and Description of the Remains

In the mid-1800s, human remains representing, at minimum, one individual were removed from the vicinity of Fort Union in Mora County, NM. The remains are represented by a scalp lock. Museum records indicate that Josiah Perkins Clark obtained it while he was in U.S. Government service, building and locating forts in the mid-1800s. It was donated to History Colorado (formerly Colorado Historical Society) in 1960 by Clark's daughter, who reported Clark worked in the area of Fort Union and the remains were of the son of a chief who was caught stealing horses there. No known individuals were identified. No associated funerary objects are present.

Determinations Made by History Colorado

Officials of History Colorado have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on examination by physical anthropologist Dr. Catherine Gaither.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Jicarilla Apache Nation, New Mexico.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Apache Tribe of Oklahoma; Fort Sill Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Sheila Goff, History Colorado, 1200 Broadway, Denver, CO

80203, telephone (303) 866–4531, email *sheila.goff@state.co.us,* by January 21, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, may proceed.

History Colorado is responsible for notifying the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, that this notice has been published.

Dated: November 3, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29888 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17144; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Bowers Museum, Santa Ana, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Bowers Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bowers Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bowers Museum at the address in this notice by January 21, 2015.

ADDRESSES: Julie Perlin Lee, Vice President of Collections and Exhibition Development, Bowers Museum, 2002 N Main St., Santa Ana, CA 92706, telephone (714) 567–3656, email *jplee@bowers.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Bowers Museum, Santa Ana, CA. The human remains and associated funerary objects were removed from the Kilowatt Mound near Wasco, in Kern County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Bowers Museum professional staff in consultation with representatives of the Santa Rosa Indian Community of the Santa Rosa Rancheria, California. The Santa Rosa Indian Community of the Santa Rosa Rancheria, California, has provided written documentation including a map, a journal article, a Smithsonian bulletin, and images supporting their claim over the remains and burial objects.

History and Description of the Remains

Between 1927 and 1935, human remains representing, at minimum, one (1) individual were removed from the Kilowatt Mound near Wasco, Kern County, CA. The human remains were removed by an amateur archeologist and eventually donated to the Bowers Museum. The human remains are 17 bone fragments. No known individuals were identified. The 32 associated funerary objects are 2 sets of shell beads, 1 set of stone beads, 16 shell ornaments, 1 stone implement, 4 potsherds, 5 burnt basketry textiles, 2 burial pole fragments, and 1 bird bone with paint and textile fragments.

Based on the location in which they were found, the Bowers Museum has determined that the human remains are 'possibly Yokut.' Along with the location, the funerary objects in the museum's possession (*i.e.* burnt cloth, shells, etc.) that were buried with the individual appear to be in accordance with the practices of the Yokut at the time per the documentation provided by the Santa Rosa Indian Community of the Santa Rosa Rancheria, California. While a level of certainty cannot be determined because of the age of the remains, our records indicate they are ''possibly Yokut'' because of the origin of the burials.

Determinations Made by the Bowers Museum

Officials of the Bowers Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of at least one (1) individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the thirty-two (32) objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Santa Rosa Indian Community of the Santa Rosa Rancheria, California, based on the information provided by the tribe.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Julie Perlin Lee, Vice President of Collections and Exhibition Development, Bowers Museum, 2002 North Main Street, Santa Ana, California 92706, telephone (714) 567–3656, email *jplee@bowers.org,* by January 21, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects the Santa Rosa Indian Community of the Santa

Rosa Rancheria, California, may proceed.

The Bowers Museum is responsible for notifying the Santa Rosa Indian Community of the Santa Rosa Rancheria, California, that this notice has been published.

Dated: November 6, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29911 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–KAHO–17292; PPPWKAHOS0, PPMPSPD1Z.S00000

Notice of 2015 Meeting Schedule of the Na Hoa Pili O Kaloko-Honokohau Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: This notice sets forth the meeting dates of the Na Hoa Pili O Kaloko-Honokohau Advisory Commission occurring in 2015.

DATES: The public meetings of the Commission will be held on Fridays, as follows:

February 20, 2015 at 9:30 a.m. (HAWAII STANDARD TIME)

May 1, 2015 at 9:30 a.m. (HAWAII STANDARD TIME)

August 7, 2015 at 9:30 a.m. (HAWAII STANDARD TIME)

November 6, 2015 at 9:30 a.m. (HAWAII STANDARD TIME)

ADDRESSES: The February 20, 2015, and August 7, 2015, meetings will be held at the Kaloko-Honokohau National Historical Park Halau at the southern end of the park, located north of Honokohau Harbor with access through the Honokohau pedestrian entrance, and parking at Honokohau Harbor. The May 1, 2015, and November 7, 2015, meetings will be held at the Kaloko-Honokohau National Historical Park Kaloko Picnic Area. Kaloko-Honokohau National Historical Park is located in Kailua Kona, HI 96740.

Agenda: The Commission meetings will consist of the following:

1. Approval of Agenda
2. Chairman's Report
3. Superintendent's Report
4. Subcommittee Reports
5. Commission Recommendations
6. Public Comments

FOR FURTHER INFORMATION CONTACT: Jeff Zimpfer, Environmental Protection Specialist, Kaloko-Honokohau National Historical Park, 73–4786 Kanalani Street, #14, Kailua Kona, Hawaii 96740, at (808) 329–6881, ext. 1500, or email *jeff_zimpfer@nps.gov.*

SUPPLEMENTARY INFORMATION: The Kaloko-Honokohau National Historical Park was established by Section 505(a) of the Public Law 95–625, November 10, 1978, as amended. Section 505(f) of that law, as amended, established the Na Hoa Pili O Kaloko-Honokohau (The Friends of Kaloko-Honokohau), an advisory commission for the park. The Commission was re-established by Title VII, Subtitle E, Section 7401 of Public Law 111–11, the Omnibus Public Land Management Act of 2009. The Commission's new termination date is December 18, 2018. The Commission shall advise the Director, National Park Service, with respect to the historical, archeological, cultural, and interpretive programs of the park. The Commission shall afford particular emphasis to the quality of traditional native Hawaiian culture demonstrated in the park.

The meetings are open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meetings. Before including your address, telephone 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 may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: December 16, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–29929 Filed 12–19–14; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17145; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Honolulu Museum of Art, Honolulu, HI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Honolulu Museum of Art, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an object of cultural patrimony. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Honolulu Museum of Art. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants or Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Honolulu Museum of Art at the address in this notice by January 21, 2015.

ADDRESSES: Stephan Jost, Director, Honolulu Museum of Art, 900 South Beretania St., Honolulu, HI 96814, telephone (808) 532–8717, email *sjost@honolulumuseum.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Honolulu Museum of Art that meets the definition of an object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum that has control of the Native American cultural item. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In the early 1920s, a totem pole was removed by John Barrymore from Tuxican in Alaska, on the west coast of Prince of Wales Island. In 1981, it was given to Honolulu Museum of Art by Vincent and Mary Grant Price, who had obtained it from the estate of Barrymore. The one object of cultural patrimony is a Henya Tlingit totem pole, circa 1900, redwood with traces of polychrome, height 24¾ ft.

In a letter dated January 21, 2013, Don Nickerson, Jr. wrote to Stephan Jost of Honolulu Museum of Art requesting to consult on the object. As President of the Klawock Cooperative Association, the federally recognized IRA tribe of the Henya Tlingit people of Klawock, AK, Mr. Nickerson stated that one of their traditional villages was Tuxican, AK, on

the west coast of Prince of Wales Island. He further stated that this village was the location of numerous totem poles erected by their ancestors, most of which were mortuary poles dedicated to the memory of the deceased. Mr. Nickerson explained that according to information that they obtained, the pole was taken from the village site by the party of the actor John Barrymore who was traveling through the area by yacht. He explained that the village was not occupied at that time because residents had relocated to Klawock. In February 2013, the Klawock Cooperative Association sent their representative, the anthropologist Dr. Steve J. Langdon, to visit Honolulu Museum of Art to examine and photograph the totem pole.

Dr. Langdon published a report dated March 1, 2013, titled, *Tuxican Photo Commentary Related to Tlingit Pole Located as the Honolulu Museum of Art.* In it he stated that ''Tlingit carver Jon Rowan, a descendant of Tuxican village residents now residing in Klawock, Alaska and myself consider the pole to be representative of Wuckitan clan crests of the Raven moiety. It was likely raised to commemorate the death of a wife of a high-ranking Tuxican chief of the Wolf moiety in the latter half of the 19th century.'' In a series of archival photographs Dr. Langdon identified the pole in the oldest known image of the entire village of Tuxican around the 1880s. He identified the totem pole in association with the surrounding houses and other totem poles and gives approximate dates, thereby establishing the precise identity of the totem pole and substantiating the claim of the Klawock Cooperative Association.

Determinations Made by the Honolulu Museum of Art

Officials of the Honolulu Museum of Art have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the one totem pole described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and Klawock Cooperative Association.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Stephan Jost, Director, Honolulu Museum of Art, 900 South Beretania St., Honolulu, HI 96814, telephone (808) 532–8717, email *sjost@honolulumuseum,* by January 21, 2015. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to Klawock Cooperative Association may proceed.

The Honolulu Museum of Art is responsible for notifying the Klawock Cooperative Association that this notice has been published.

Dated: November 7, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29902 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17155; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: University of Colorado Museum of Natural History, Boulder, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Colorado Museum of Natural History, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects and objects of cultural patrimony. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the University of Colorado Museum of Natural History. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the University of Colorado Museum of Natural History at the address in this notice by January 21, 2015.

ADDRESSES: Jen Shannon, Curator of Cultural Anthropology, University of Colorado Museum of Natural History, 218 UCB, Boulder, CO 80309–0218, telephone (303) 492–6276, email *jshannon@colorado.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the University of Colorado Museum of Natural History, Boulder, CO that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 1959, the University of Colorado Museum of Natural History acquired two Jemez Kachina masks through an exchange from the Denver Art Museum, which purchased the masks in 1948, from Nat Stern via Henriette Harris of Santa Fe, NM. The female mask, represented by catalog number 10353, is comprised of rawhide, paint, turkey feathers, cotton cord, and cotton cloth. The male mask, represented by catalog number 10354 is comprised of wood, leather, and paint.

During consultation, the Pueblo of Jemez provided evidence in support of cultural affiliation.

Determinations Made by the University of Colorado Museum of Natural History

Officials of the University of Colorado Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the two cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(3)(D), the two cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and the Pueblo of Jemez, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Jen Shannon, Curator of Cultural Anthropology, University of Colorado Museum of Natural History, 218 UCB, Boulder, CO 80309–0218, telephone (303) 492–6276, email *jshannon@colorado.edu,* by January 21, 2015. After that date, if no additional claimants have come forward, transfer of control of the sacred objects and objects of cultural patrimony to the Pueblo of Jemez, New Mexico, may proceed.

The University of Colorado Museum of Natural History is responsible for notifying the Pueblo of Jemez, New Mexico, that this notice has been published.

Dated: November 10, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29908 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17132; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Item: U.S. Department of Agriculture, Forest Service, Cibola National Forest, Albuquerque, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA), Forest Service, Cibola National Forest, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of object of cultural patrimony. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the USDA Forest Service, Southwestern Region. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the USDA Forest Service, Southwestern Region at the address in this notice by January 21, 2015.

ADDRESSES: Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd. SE., Albuquerque, NM 87102, telephone (505) 842–3238, email *fwozniak@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the USDA Forest Service, Cibola National Forest that meets the definition of object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

At some time prior to January 1968, one cultural item was removed from its location in Sandoval County, NM. The item was collected by private individual(s) without the permission or knowledge of the USDA Forest Service and donated anonymously to the Maxwell Museum of Anthropology, University of New Mexico, Albuquerque, at some time prior to January 1968. The object was identified as a NAGPRA item in the winter of 2013/2014 and the USDA Forest Service took possession of the object in the late spring of 2014. This object of cultural patrimony is comprised of prayer sticks held together by woven basketry.

Consultations with representatives of the Hopi Tribe, Arizona; the Pueblo of Acoma, New Mexico; the Pueblo of Cochiti, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of Jemez, New Mexico; the Pueblo of Laguna, New Mexico; the Pueblo of San Felipe, New Mexico; the Pueblo of Sandia, New Mexico; the Pueblo of Santa Ana, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico, indicated that this object of cultural patrimony is most closely affiliated with the Pueblo of San Felipe, New Mexico, and the Pueblo of Santa Ana, New Mexico.

Determinations Made by the USDA Forest Service

Officials of the USDA Forest Service have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and the Pueblo of San Felipe, New Mexico, and the Pueblo of Santa Ana, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd. SE., Albuquerque, NM 87102, telephone (505) 842–3238, email *fwozniak@fs.fed.us,* by January 21, 2015. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Pueblo of San Felipe and the Pueblo of Santa Ana may proceed.

The USDA Forest Service, Cibola National Forest is responsible for notifying the Hopi Tribe, Arizona; the Pueblo of Acoma, New Mexico; the Pueblo of Cochiti, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of Jemez, New Mexico; the Pueblo of Laguna, New Mexico; the Pueblo of San Felipe, New Mexico; the Pueblo of Sandia, New Mexico; the Pueblo of Santa Ana, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: November 5, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29903 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17131; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent to Repatriate Cultural Items: Southern Oregon Historical Society, Medford, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Southern Oregon Historical Society in consultation with the appropriate Indian tribes or Native Hawaiian organizations has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Southern Oregon Historical Society. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Southern Oregon Historical Society at the address in this notice by January 21, 2015.

ADDRESS: Tina Reuwsaat, Assoc. Curator, Southern Oregon Historical Society, 106 N. Central Ave., Medford, OR 97501, telephone (541) 941–6505, email *curator@sohs.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Southern Oregon Historical Society that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

On July 25, 1950, Leon Haskins donated one item to the Southern Oregon Historical Society (SOHS). It is not known how or when Mr. Haskins acquired this item. SOHS accession number 704 is one string of 83 pinyon pine nut shells. These pinyon pine nut shells are dark gray in color and are strung on a cord. Records state that these ''beads were from Klamath, not to be confused with Klamath Falls, as Klamath is at the mouth of the Klamath River.''

On February 26, 1962, Helen Strang donated two lots of loose beads to SOHS. The beads were collected by Vinton Beall, a relative of Ms. Strang, but there is no documentation of when these beads were acquired. SOHS accession number 1962.6.7.2 is one lot of loose beads made from glass and one lot of loose beads made from shells. The one lot of glass beads are of many colors: Blue, white, purple, green, and pink. The one lot of shell beads are six white, thin, disk-shaped shell beads. Some of the beads have a melted appearance and are fused together. Records contain an original handwritten note that states, ''August (18)96. Beads from Klamath Indian crematory grounds on Pelican Bay.''

On October 14, 1951, Clarence Lane donated two items to SOHS. It is not known when Mr. Lane acquired these two items. SOHS accession numbers 3010.1 and .2 are two necklaces. The first necklace is 35 inches in length and is strung on wire. The necklace is made from one dentalium shell, three olivella shells, ten pinyon pine nut shells and glass beads in the colors of blue, green, black, red, turquoise, and colorless, one bead in gray with red stripe and one black tubular shaped bead with brass ends. The second necklace is 15.75 inches in length and strung on wire and twine. The necklace is made from glass beads in the colors of: Blue, red, white, black, and green, 28 pinyon pine nut shells, three olivella shells, one silver colored metallic bead, one brass button with red glass center and one metal thimble. Records state that these are ''two strings dug up from Indian grave.''

Representatives of the Smith River Rancheria, California, have requested repatriation of these items. Based on the information available and consultation with the tribe, these items were removed from within the traditional tribal territory of the Smith River Rancheria, California, and are determined to be unassociated funerary objects.

Determinations Made by the Southern Oregon Historical Society

Officials of the Southern Oregon Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the five cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Smith River Rancheria, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Tina Reuwsaat, Assoc. Curator, Southern Oregon Historical Society, 106 N. Central Ave., Medford, OR 97501, telephone (541) 941–6505, email *curator@sohs.org,* by January 21, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Smith River Rancheria, California, may proceed.

The Southern Oregon Historical Society is responsible for notifying the Smith River Rancheria, California, that this notice has been published.

Dated: November 5, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–29892 Filed 12–19–14; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–883]

Investigations: Terminations, Modifications and Rulings: Certain Opaque Polymers

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has granted motions by Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (''Finnegan'') and Ömür Yarsuvat (''Yarsuvat'') to intervene in this investigation for a limited purpose.

The Commission has further determined to review an initial determination (''ID'') (Order No. 27) issued by the presiding administrative law judge (''ALJ'') finding respondents Organik Kimya San. ve Tic. A.Ş of Istanbul, Turkey; Organik Kimya Netherlands B.V. of Rotterdam-Botlek, Netherlands; and Organik Kimya US, Inc., of Burlington, Massachusetts (collectively, ''Organik Kimya'') to be in default as a sanction for discovery abuse and ordering monetary sanctions. Accordingly, the Commission requests written submissions, under the schedule set forth below, on certain issues under review and on the issues of remedy, public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2661. 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 at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 21, 2013, based on a complaint filed by the Dow Chemical Company of Midland, Michigan, and by Rohm and Haas Company and Rohm and Haas Chemicals LLC, both of Philadelphia, Pennsylvania (collectively, ''Dow''). 78 FR 37571 (June 21, 2013). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), by reason of the importation into the United States, the sale for importation, and the sale within the United States after importation of certain opaque polymers that infringe certain claims of four United States patents: U.S. Patent Nos. 6,020,435; 6,252,004; 7,435,783; and 7,803,878. The notice of investigation named five respondents: the three Organik Kimya respondents noted above; Turk International LLC of Aptos, California (''Turk''); and Aalborz Chemical LLC d/b/a All Chem of Grand Rapids, Michigan (''Aalborz''). The complaint and notice of investigation were amended to add allegations of misappropriation of trade secrets. 78 FR 71643 (Nov. 29, 2013). The Office of Unfair Import Investigations is not a party to this investigation.

On December 13, 2013, the Commission determined not to review an initial determination (Order No. 11) terminating the investigation with respect to U.S. Patent Nos. 7,435,783; and 7,803,878.

On May 19, 2014, Dow filed a motion for default and other sanctions against Organik Kimya for discovery abuse. On May 21, 2014, Organik Kimya filed a motion to terminate based upon a consent order stipulation. On July 8–9, 2014, the ALJ conducted a hearing on the pending motions. On October 20, 2014, the ALJ issued an ID (Order No. 27) finding Organik Kimya in default, under Commission Rule 210.42(c), and ordering monetary sanctions jointly and severally against Organik Kimya and its counsel. Organik Kimya is represented by Finnegan, a law firm in Washington, DC, and by Yarsuvat, an attorney in Istanbul, Turkey. The ALJ denied Organik Kimya's motion to terminate the investigation based upon a consent order stipulation.

On October 28, 2014, Organik Kimya filed a petition for review of the sanctions ID. The same day, Finnegan and Yarsuvat filed separate motions before the Commission to intervene in the investigation for the purpose of contesting joint liability for the monetary sanction. Finnegan and Yarsuvat also filed provisional petitions for review of the sanctions ID. On November 10, 2014, Finnegan filed a motion for leave to file a reply in support of its motion to intervene, which Dow opposed. The Commission extended the time for determining whether to review the sanctions ID until December 16, 2014.

On October 30, 2014, Dow filed an unopposed motion to withdraw the amended complaint as to the two remaining asserted patents, U.S. Patent Nos. 6,020,435 and 6,252,004, and to withdraw all allegations against Turk and Aalborz. On November 3, 2014, the ALJ granted the motion in an ID (Order No. 29), and on December 1, 2014, the Commission determined not to review the ID. Accordingly, the only remaining respondents in the investigation are the Organik Kimya respondents. The only remaining issues are Dow's claims based on trade secret misappropriation and the sanctions ID.

The Commission has determined to grant the motion by Finnegan for leave to file a reply in support of its motion to intervene and has considered the reply. The Commission has further determined to grant the petitions by Finnegan and Yarsuvat to intervene in this investigation for the limited purpose of disputing joint and several liability for the monetary sanctions imposed in the sanctions ID. The Commission has considered the petitions for review filed by Finnegan and Yarsuvat, in addition to the petition for review filed by Organik Kimya and the oppositions thereto filed by Dow.

In light of the intervention by Finnegan and Yarsuvat, the Commission has determined to review the sanctions ID. In connection with its review, the Commission requests responses only to the following questions. The parties are to brief their positions with reference to the applicable law and citations to the existing evidentiary record. No new evidence will be considered.

1. Please brief the law governing what types of notice and opportunity to present evidence and argument must be provided to counsel before imposing sanctions on the counsel based on the types of conduct cited on page 112 of the ID. Please also brief how that governing law applies to Organik Kimya's counsel in this investigation, based on the existing record in this investigation. In answering this question, please specifically address whether and when Organik Kimya's counsel was or should have been on notice that counsel might be subject to sanctions and whether they were given adequate opportunity to present evidence and argument on any issue of which they had notice.

2. Please discuss duties that counsel may have under ITC rules, ethics rules, case law, and any other relevant sources with respect to the conduct cited on page 112 of the ID, including duties relating to the implementation of a litigation hold, a duty to investigate before making a representation to the tribunal, a duty to avoid willful blindness, or a duty to preserve or take possession of evidence. In answering this question, please also address any duties that may arise when counsel has received notice of allegations that the counsel's client has intentionally spoliated evidence. Please also explain with citation to the existing record whether Organik Kimya's counsel satisfied any such duties in this investigation.

Other issues on review are adequately presented in the parties' existing filings. The parties are not to brief the sanction finding Organik Kimya in default nor Organik Kimya's liability for monetary sanctions.

In connection with the final disposition of this investigation, the Commission may: (1) Issue an order that could result in the exclusion of articles manufactured or imported by the respondents; and/or (2) issue a cease and desist order that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors that the Commission will consider include the effect that the exclusion order and/or cease and desists orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainants are requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to state the date upon which the patents expire and the HTSUS numbers under which the accused products are imported and to provide identification information for all known importers of the subject articles.

Written submissions and proposed remedial orders must be filed no later than the close of business on December 30, 2014. Reply submissions must be filed no later than the close of business on January 7, 2015. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadline stated above and submit eight true paper copies to the Office of the Secretary pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–883'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted nonconfidential version of the document must also be filed simultaneously with any confidential filing. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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).

Dated: December 16, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–29808 Filed 12–19–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–044]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission

TIME AND DATE: December 29, 2014, at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

Matters to be Considered

1. Agendas for future meetings: none
2. Minutes
3. Ratification List
4. Vote in Inv. Nos. 701–TA–526–527 and 731–TA–1262–1263 (Preliminary)(Melamine from China and Trinidad and Tobago). The Commission is currently scheduled to complete and file its determinations on December 29, 2014; views of the Commission are currently scheduled to be completed and filed on January 6, 2015.
5. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: December 17, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–29990 Filed 12–18–14; 11:15 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committee on Rules of Appellate Procedure

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Appellate Procedure.

ACTION: Notice of cancellation of public hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal

Rules of Appellate Procedure has been canceled: Appellate Rules Hearing, January 9, 2015, in Phoenix, Arizona. Announcements for this meeting were previously published in 79 FR 48250 and 79 FR 72702.

FOR FURTHER INFORMATION CONTACT: Jonathan C. Rose, Secretary and Chief Rules Officer, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: December 16, 2014.

Jonathan C. Rose,

Secretary and Chief Rules Officer.

[FR Doc. 2014–29793 Filed 12–19–14; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Continental AG and Veyance Technologies, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Hold Separate Stipulation and Order, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *Continental AG, and Veyance Technologies, Inc.,* Civil No. 1:14–cv–02087. On December 11, 2014, the United States filed a Complaint alleging that Continental's proposed acquisition of Veyance would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed the same time as the Complaint, requires Continental to divest Veyance's North American commercial vehicle air springs business, including manufacturing and assembly facilities in San Luis Potosi, Mexico; research, development, engineering, and administrative assets in Fairlawn, Ohio; and certain tangible and intangible assets.

Copies of the Complaint, proposed Final Judgment and Competitive Impact Statement are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 Fifth Street NW., Suite 1010, Washington, DC 20530 (telephone: 202–514–2481), on the Department of Justice's Web site at *http://www.usdoj.gov/atr,* and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Department of Justice, Antitrust Division's internet Web site, filed with the Court and, under certain circumstances, published in the **Federal Register**. Comments should be directed to Maribeth Petrizzi, Chief, Litigation II Section, Antitrust Division, Department of Justice, 450 Fifth Street NW., Suite 8700, Washington, DC 20530 (telephone: 202–307–0924).

Patricia A. Brink,

Director of Civil Enforcement.

United States District Court for the District of Columbia

United States of America, U.S. Department of Justice, Antitrust Division, 450 Fifth Street, NW, Suite 8700, Washington, DC 20530, Plaintiff, v. *Continental AG, Vanrenwalder Strasse 9, D-30165, Hanover, Germany,* and *Veyance Technologies, Inc., 703 S. Cleveland Massillon Road, Fairlawn, Ohio 44333,* Defendants.

Case: 1:14–cv-–2087

Filed: 12/11/2014

Judge: Hon. Reggie B. Walton

COMPLAINT

The United States of America (''United States''), acting under the direction of the Attorney General of the United States, brings this civil antitrust action to enjoin the proposed acquisition by Defendant Continental AG (''Continental'') of Defendant Veyance Technologies, Inc. (''Veyance''). The United States alleges as follows:

I. INTRODUCTION

1. Pursuant to an Agreement and Plan of Merger dated February 10, 2014, Continental has agreed to purchase Veyance from Carlyle Partners IV, L.P. for $1.8 billion. The merger would combine two of the three leading suppliers of air springs used in commercial vehicles in North America.

2. Continental has competed aggressively with Veyance for sales in North America, which has resulted in lower prices for commercial vehicle air springs. Elimination of the competition between Continental and Veyance likely would result in higher prices and decreased quality of service for customers, and would increase the likelihood that the two remaining suppliers would substantially reduce competition through successful coordination. As a result, the proposed acquisition likely would substantially lessen competition in the development, manufacture, and sale of commercial vehicle air springs in North America in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

II. THE PARTIES TO THE PROPOSED TRANSACTION

3. Defendant Continental AG, a corporation organized under the laws of the Federal Republic of Germany, is based in Hanover, Germany. Continental is a leading German automotive manufacturing company, specializing in tires, brake systems, and components, and it is one of the world's largest producers of rubber products. Its annual sales for 2013 were approximately $40 billion. ContiTech North America, Inc., of Montvale, New Jersey, is a part of ContiTech AG, a division of Continental. ContiTech North America produces and sells parts, components and systems, including commercial vehicle air springs, for the automotive engineering industry in North America.

4. Defendant Veyance Technologies, Inc. is incorporated in Delaware with its headquarters in Fairlawn, Ohio. Veyance manufactures engineered rubber products for heavy-duty industrial, automotive and military applications. Veyance produces and sells automotive and commercial vehicle parts, including commercial vehicle air springs, in North America. In 2013, Veyance had $2.1 billion in sales.

III. JURISDICTION AND VENUE

5. The United States brings this action pursuant to Section 15 of the Clayton Act, 15 U.S.C. § 25, as amended, to prevent and restrain Defendants from violating Section 7 of the Clayton Act, 15 U.S.C. § 18.

6. The Court has subject matter jurisdiction over this action pursuant to Section 15 of the Clayton Act, 15 U.S.C. § 25, and 28 U.S.C. §§ 1331, 1337(a), and 1345. Defendants produce and sell commercial vehicle air springs in a regular, continuous, and substantial flow of interstate commerce. Defendants' activities in the development, manufacture, and sale of commercial vehicle air springs have had a substantial effect upon interstate commerce.

7. Defendants have consented to venue and personal jurisdiction in this District.

8. Venue is proper in this Court under Section 12 of the Clayton Act, 15 U.S.C. § 22, and 28 U.S.C. § 1391(b) and (c).

IV. THE RELEVANT MARKET

A. Product Description

9. Air springs are load-carrying rubber components constructed of a hollow rubber bellow sealed to metal plates attached at the top and bottom. Through the use of air compression, air springs dampen road shock and vibration. Air springs keep commercial vehicles—such as trucks, trailers and buses—at the same distance from the road irrespective of the weight being carried and also can be used as actuators to raise and lower objects. For example, air springs are used in buses to automatically maintain the same vehicle level and ride comfort, no matter how many passengers get on or off.

10. As commercial vehicle components, air springs are used in multiple locations in a vehicle: under the driver's seat, between the cab and underlying frame, and in suspensions between axle and frame for truck and trailer. Air springs in suspension systems of trucks, trailers and buses help commercial vehicles save fuel, reduce tire wear, and provide greater reliability. Air springs between the floor of the cabin and the seat provide for driver comfort and reduce driver fatigue. Air springs in the commercial vehicle cabin suspension system, between the frame and the cabin, regulate cabin movement.

11. The three types of air springs are (1) rolling lobe, which are used for truck, bus and trailer axles; (2) convoluted, or bellows, which serve the same function as rolling lobe but also are used as actuators to lift axles; and (3) sleeves, which are smaller springs generally used in cabs and seats for driver comfort. The vast majority of air springs for commercial vehicle applications sold in North America are rolling lobe air springs purchased by original equipment manufacturers (''OEMs'') for truck, trailer and bus suspension systems.

12. Commercial vehicle OEMs in North America determine the type of air spring to be used in a particular platform. They can source the air springs directly from the air spring manufacturer or purchase a completed, fully integrated suspension system that includes air springs from a suspension system OEM. Suspension system OEMs source commercial vehicle air springs directly from the air spring manufacturer.

13. All air springs used by commercial vehicle OEMs must be of high quality and durability. Commercial vehicle OEMs require that commercial vehicle air springs meet rigid qualifications to ensure performance, quality, and engineering design fit. The qualification process includes not only qualification of the specific air spring to be used, via laboratory and road tests, but also inspection of the particular production facility where the air spring is to be produced. The rigorous process of qualifying an air spring for commercial vehicle OEMs can take more than two years. Once the air spring is qualified, commercial vehicle OEMs work closely with the air spring manufacturer to ensure that the air spring is integrated into the overall design of the platform.

14. Air springs also are sold in the aftermarket, or the market for replacement air springs for commercial vehicles. Commercial vehicle air springs for the aftermarket are purchased by the end user to replace, after time and wear, the air springs originally installed in commercial vehicles. Commercial vehicle air springs for the aftermarket do not have to meet the rigid qualifications that commercial vehicle OEMs require, as replacement commercial vehicle air springs are not designed for a specific commercial vehicle platform.

B. Relevant Product Markets

15. Rolling lobe, convoluted and sleeve commercial vehicle air springs perform distinct functions and, in general, cannot be substituted for each other. For instance, an air spring used in a trailer suspension is not the same as an air spring used for a truck seat. Accordingly, the three types of commercial vehicle air springs are not interchangeable or substitutable for one another, and demand for each is separate. In the event of a small but significant increase in price for a given type of commercial vehicle air spring, customers would not stop using that air spring in sufficient numbers so as to defeat the price increase. Thus, the development, manufacture, and sale of each type of commercial vehicle air spring is a separate line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act.

16. Although narrower product markets of rolling lobe, convoluted and sleeve air springs for commercial vehicles exist, the competitive dynamic for each type is nearly identical. The same firms manufacture and sell each of these products and each type of commercial vehicle air spring is sold in similar competitive conditions. Therefore, the products may be aggregated for analytical convenience into a single relevant product market for the purpose of assigning market shares and evaluating the competitive impact of the acquisition.

(1) Commercial Vehicle Air Springs for Original Equipment Manufacturers

17. Commercial vehicle OEMs require each air spring to meet rigid qualification standards to ensure performance, quality, and engineering design fit. Commercial vehicle air springs sold into the aftermarket for replacement purposes are not of sufficient quality or reliability to be used by commercial vehicle OEMs. Accordingly, commercial vehicle air springs for OEMs are not interchangeable with or substitutable for commercial vehicle air springs for the aftermarket, and demand for each is separate.

18. A small but significant increase in the price of commercial vehicle air springs for OEMs would not cause a sufficient number of OEMs to substitute commercial vehicle air springs manufactured for the aftermarket so as to make such a price increase unprofitable. Thus, the development, manufacture, and sale of commercial vehicle air springs for OEMs is a line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act.

(2) Commercial Vehicle Air Springs for the Aftermarket

19. Commercial vehicle air springs for the aftermarket are sold for replacement purposes. The targeted customer is the commercial vehicle owner. Because commercial vehicle air springs for the aftermarket are not designed for a specific commercial vehicle platform, they do not have to meet the rigid qualifications that commercial vehicle OEMs require. Commercial vehicle air springs for the aftermarket are of lower quality and lesser durability than commercial vehicle air springs made for OEMs. Accordingly, commercial vehicle air springs for the aftermarket are not interchangeable or substitutable for commercial vehicle air springs sold to OEMs. Demand for commercial vehicle air springs used by OEMs is separate from demand for commercial vehicle air springs for the aftermarket.

20. A small but significant increase in the price of commercial vehicle air springs for the aftermarket would not cause customers to substitute commercial vehicle air springs for OEMs in sufficient numbers so as to make such a price increase unprofitable. Thus, the development, manufacture, and sale of commercial vehicle air springs for the aftermarket is a line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act.

C. Relevant Geographic Market

(1) Commercial Vehicle Air Springs for OEMs

21. Commercial vehicle air springs are bulky but relatively lightweight. Despite the light weight, the cost of transporting commercial vehicle air springs is high compared to the value of the product, because the manufacturers essentially have to pay to ship air. Therefore, while shipping commercial vehicle air springs from overseas is feasible, it adds significant cost—approximately 10 to 15 percent—to the price of the product. Import taxes also add additional costs to commercial vehicle air springs that are shipped from outside North America.

22. In addition, commercial vehicle OEMs require that the air springs production facility be qualified. The qualification process includes inspection of the production facility by the customer. Having to inspect and qualify a facility outside of North America adds both time and expense to the process.

23. Further, commercial vehicle OEMs require timely delivery of air springs, as they are an essential input into the final vehicle platform. Procuring commercial vehicle air springs from overseas adds significant lead time to delivery, increases the risk of shipment delays, and makes more difficult the rapid correction of quality shortcomings in delivered product. Thus, for commercial vehicle OEMs, purchasing air springs from outside North America involves the assumption of an unacceptable level of risk.

24. Therefore, to successfully sell commercial vehicle air springs for OEM use in North America, an air spring manufacturer must have an air spring production facility in North America.

25. OEM customers for commercial vehicle air springs in North America would be unwilling to switch to commercial vehicle air springs manufactured outside of North America to defeat a small but significant price increase. Accordingly, North America is a relevant geographic market for the development, manufacture, and sale of commercial vehicle air springs for OEMs within the meaning of Section 7 of the Clayton Act.

(2) Commercial Vehicle Air Springs for the Aftermarket

26. For commercial vehicle air springs sold in the aftermarket, purchases are based on price, brand or reputation, and availability. As with commercial vehicle air springs for OEMs, the cost of shipping commercial vehicle air springs for the aftermarket, individually or in small quantities, from outside North America would make them more expensive than those sold in North America. Further, the additional lead time to ship commercial vehicle air springs for individual demand makes direct purchase from overseas unattractive to potential purchasers, who want their vehicles repaired in a timely manner. Therefore, a customer typically would not directly purchase commercial vehicle air springs for the aftermarket from outside of North America.

27. Customers would be unwilling to switch to commercial vehicle air springs manufactured outside of North America to defeat a small but significant price increase. Accordingly, North America is a relevant geographic market for the development, manufacture, and sale of commercial vehicle air springs for the aftermarket within the meaning of Section 7 of the Clayton Act.

D. Anticompetitive Effects

(1) Commercial Vehicle Air Springs for OEMs

28. In North America, the market for the development, manufacture, and sale of commercial vehicle air springs for OEMs is highly concentrated and would become substantially more concentrated as a result of the proposed transaction. Continental and Veyance each have approximately 30 percent of the North American market for commercial vehicle air springs sold for OEMs. The only other competitor has approximately 40 percent of the North American market, so the acquisition would result in two firms holding 100 percent of the market.

29. As articulated in the *Horizontal Merger Guidelines* issued by the Department of Justice and the Federal Trade Commission, the Herfindahl-Hirschman Index (''HHI''), discussed in Appendix A, is a measure of market concentration. Market concentration is often one useful indicator of the level of competitive vigor in a market and the likely competitive effects of a merger. The more concentrated a market, and the more a transaction would increase concentration in a market, the more likely it is that a transaction would result in a meaningful reduction in competition, harming consumers. Markets in which the HHI is between 1,500 and 2,500 points are considered to be moderately concentrated and markets in which the HHI is in excess of 2,500 points are considered to be highly concentrated. Transactions that increase the HHI by more than 200 points in highly concentrated markets are presumed likely to enhance market power.

30. In the North American market for the development, manufacture, and sale of commercial vehicle air springs for OEMs, the pre-merger HHI is 3,388; the post-merger HHI is 5,224, with an increase in the HHI of 1,836. Consistent with the Horizontal Merger Guidelines, this market is highly concentrated and would become substantially more concentrated as a result of the proposed acquisition.

31. A combined Continental and Veyance would have the ability to increase prices of commercial vehicle air springs sold to OEMs and to reduce the quality of service for these customers by limiting availability or delivery options.

32. In addition, Continental's elimination of Veyance as a strong, independent competitor in the development, manufacture, and sale of commercial vehicle air springs for OEMs likely would facilitate anticompetitive coordination between the remaining two suppliers. The two suppliers would be able to estimate each other's output, capacity, reserves, and costs, making coordinated interaction easier.

33. The transaction would substantially lessen competition in the development, manufacture, and sale of commercial vehicle air springs for OEMs in North America and lead to higher prices and decreased quality of service in violation of Section 7 of the Clayton Act.

(2) Commercial Vehicle Air Springs for the Aftermarket

34. In North America, the market for the development, manufacture, and sale of commercial vehicle air springs sold in the aftermarket is highly concentrated and would become substantially more concentrated as a result of the proposed transaction. Veyance has approximately 33 percent of the market, Continental has approximately 17 percent of the market, and one other competitor has approximately 45 percent. Were the acquisition to proceed, two firms each would have close to a 50 percent share of the market.

35. For the North American market for the development, manufacture, and sale of commercial vehicle air springs sold in the aftermarket, the premerger HHI is 3,403, the post-acquisition HHI is 4,525, and the acquisition would produce an increase of 1,122 in the HHI. Consistent with the Horizontal Merger Guidelines, this market is highly concentrated and would become substantially more concentrated as a result of the proposed acquisition.

36. The proposed transaction likely would substantially lessen competition

in the North American market for the development, manufacture, and sale of commercial vehicle air springs for the aftermarket and lead to higher prices and decreased quality of service in violation of Section 7 of the Clayton Act.

E. Difficulty of Entry

(1) Commercial Vehicle Air Springs for OEMs

37. Timely and sufficient entry by additional competitors into the market for the development, manufacture, and sale of commercial vehicle air springs for OEMs is unlikely, given the substantial time and cost required to establish a qualified production facility and to establish a recognized brand and reputation in North America.

38. Choosing an appropriate factory location, ordering the necessary equipment and setting up the factory for production of commercial vehicle air springs likely would take two or more years and would require a substantial investment. Once a location is chosen and the factory is producing, the OEM qualification process can take two or more additional years. Qualification requires a number of steps, and both the factory and the particular air springs to be used by the commercial vehicle OEM must be qualified.

39. Because of the cost and difficulty of establishing a production facility in North America and gaining requisite OEM qualification, entry into the North American market for the development, manufacture, and sale of commercial vehicle air springs for OEMs would not be timely, likely or sufficient to mitigate the anticompetitive effects of Continental's proposed acquisition of Veyance.

(2) Commercial Vehicle Air Springs for the Aftermarket

40. The impact of the acquisition in the North American market for the development, manufacture, and sale of commercial vehicle air springs for the aftermarket would not be remedied quickly by the response of foreign suppliers. These suppliers lack a recognized brand and reputation in North America, and most lack the broad product portfolio, to supply commercial vehicle air springs that would be accepted by most OEMs. Foreign firms are not present in the North American market for the development, manufacture, and sale of commercial vehicle air springs for OEMs, so they do not have established reputations that would contribute to their acceptance in the aftermarket. Therefore, entry would not be timely, likely, or sufficient to mitigate the anticompetitive effects of Continental's proposed acquisition of Veyance.

V. VIOLATIONS ALLEGED

41. Continental's proposed acquisition of Veyance likely would substantially lessen competition in North America for (1) the development, manufacture, and sale of commercial vehicle air springs for OEMs, and (2) the development, manufacture, and sale of commercial vehicle air springs for the aftermarket, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

42. Unless enjoined, the proposed acquisition likely would have the following anticompetitive effects, among others:

(a) actual and potential competition between Veyance and Continental in the relevant markets would be eliminated;

(b) competition generally in the relevant markets would be substantially lessened; and

(c) for the relevant products, prices would increase and the quality of service would decrease.

VI. REQUESTED RELIEF

43. The United States requests that the Court:

(a) adjudge and decree that Continental's proposed acquisition of Veyance is unlawful and in violation of Section 7 of the Clayton Act, 15 U.S.C. 18;

(b) preliminarily and permanently enjoin and restrain defendants and all persons acting on their behalf from consummating the proposed acquisition of Veyance by Continental, or from entering into or carrying out any other contract, agreement, plan, or understanding, the effect of which would be to combine Continental with Veyance;

(c) award the United States the costs for this action; and

(d) grant the United States such other and further relief as the Court deems just and proper.

Respectfully submitted,

DATED: December 11, 2014

FOR PLAINTIFF UNITED STATES OF AMERICA:

/s/ _____

William J. Baer

Assistant Attorney General

/s/ _____

David I. Gelfand

Deputy Assistant Attorney General

/s/ _____

Patricia A. Brink

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APPENDIX A

The U.S. Dep't of Justice and Federal Trade Commission, Horizontal Merger Guidelines § 5.3 (2010), available at *http://www.justice.gov/atr/public/guidelines/hmg-2010.html,* provide the method for calculating the HHI. The HHI is calculated by squaring the market share of each firm competing in the market and then summing the resulting numbers. For example, for a market consisting of four firms with shares of 30, 30, 20, and 20 percent, the HHI is 2,600 ($30^2 + 30^2 + 20^2 + 20^2 = 2{,}600$). The HHI takes into account the relative size distribution of the firms in a market. It approaches zero when a market is occupied by a large number of firms of relatively equal size and reaches its maximum of 10,000 points when a market is controlled by a single firm. The HHI increases both as the number of firms in the market decreases and as the disparity in size between those firms increases.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *Continental AG* and *Veyance Technologies, Inc.* Defendants.

Case No.: 1:14-cv-02087

Judge: Hon. Reggie B. Walton

COMPETITIVE IMPACT STATEMENT

Plaintiff, United States of America (''United States''), pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (''APPA'' or ''Tunney Act''), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

NATURE AND PURPOSE OF THE PROCEEDING

Pursuant to an Agreement and Plan of Merger dated February 10, 2014, Continental AG (''Continental'') has agreed to purchase Veyance Technologies, Inc. (''Veyance'') from

Carlyle Partners IV, L.P. for $1.8 billion. The merger would combine two of the three leading suppliers of air springs used in commercial vehicles in North America.

The United States filed a civil antitrust Complaint on December 11, 2014, seeking to enjoin the proposed acquisition. The Complaint alleges that the acquisition likely would substantially lessen competition in North America in the development, manufacture and sale of commercial vehicle air springs, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. That loss of competition likely would result in higher prices and decreased quality of service for customers in the North American market for commercial vehicle air springs.

At the same time the Complaint was filed, the United States filed a Hold Separate Stipulation and Order and a proposed Final Judgment, which are designed to eliminate the anticompetitive effects of the acquisition. Under the proposed Final Judgment, which is explained more fully below, the defendants are required to divest the Veyance North America Air Springs Business, which includes Veyance's manufacturing and assembly facilities in San Luis Potosi, Mexico, research and development, engineering and testing operations, and administration assets in Fairlawn, Ohio, and all of the tangible and intangible assets primarily used in or for the business. Under the terms of the Hold Separate Stipulation and Order, defendants will take certain steps to ensure that the Veyance North America Air Springs Business is operated as a competitively independent, economically viable, and ongoing business concern; that it will remain independent and uninfluenced by the consummation of the acquisition; and that competition is maintained during the pendency of the ordered divestiture.

The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. DESCRIPTION OF THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

A. The Defendants

Defendant Continental AG, a corporation organized under the laws of the Federal Republic of Germany, is based in Hanover, Germany. Continental is a leading German automotive manufacturing company, specializing in tires, brake systems, and components, and it is one of the world's largest producers of rubber products. Its annual sales for 2013 were approximately $40 billion. ContiTech North America, Inc., of Montvale, New Jersey, is a part of ContiTech AG, a division of Continental. ContiTech North America produces and sells parts, components and systems, including commercial vehicle air springs, for the automotive engineering industry in North America.

Defendant Veyance Technologies, Inc. is incorporated in Delaware with its headquarters in Fairlawn, Ohio. Veyance manufactures engineered rubber products for heavy-duty industrial, automotive and military applications. Veyance produces and sells automotive and commercial vehicle parts, including commercial vehicle air springs, in North America. In 2013, Veyance had $2.1 billion in sales.

B. The Markets

1. Commercial Vehicle Air Springs

Air springs are load-carrying rubber components constructed of a hollow rubber bellow sealed to metal plates attached at the top and bottom. Through the use of air compression, air springs dampen road shock and vibration. Air springs keep commercial vehicles–such as trucks, trailers and buses–at the same distance from the road irrespective of the weight being carried and also can be used as actuators to raise and lower objects. As commercial vehicle components, air springs are used in multiple locations in a vehicle: under the driver's seat, between the cab and underlying frame, and in suspensions between axle and frame for truck and trailer. Air springs in suspension systems of trucks, trailers and buses help commercial vehicles save fuel, reduce tire wear, and provide greater reliability. Air springs between the floor of the cabin and the seat provide for driver comfort and reduce driver fatigue. Air springs in the commercial vehicle cabin suspension system, between the frame and the cabin, regulate cabin movement.

The three types of air springs are (1) rolling lobe, which are used for truck, bus and trailer axles; (2) convoluted, or bellows, which serve the same function as rolling lobe, but also are used as actuators to lift axles; and (3) sleeves, which are smaller springs generally used in cabs and seats for driver comfort. The vast majority of air springs for commercial vehicle applications sold in North America are rolling lobe air springs purchased by original equipment manufacturers (''OEMs'') for truck, trailer and bus suspension systems.

Commercial vehicle OEMs in North America determine the type of air spring to be used in a particular platform. They can source the air springs directly from the air spring manufacturer or purchase a completed, fully integrated suspension system that includes air springs from a suspension system OEM. Suspension system OEMs source commercial vehicle air springs directly from the air spring manufacturer. All air springs used by commercial vehicle OEMs must be of high quality and durability. Commercial vehicle OEMs require that commercial vehicle air springs meet rigid qualifications to ensure performance, quality, and engineering design fit. The qualification process includes not only qualification of the specific air spring to be used, via laboratory and road tests, but also inspection of the particular production facility where the air spring is to be produced. The rigorous process of qualifying an air spring for commercial vehicle OEMs can take more than two years. Once the air spring is qualified, commercial vehicle OEMs work closely with the air spring manufacturer to ensure that the air spring is integrated into the overall design of the platform.

Air springs also are sold in the aftermarket, or the market for replacement air springs for commercial vehicles. Commercial vehicle air springs for the aftermarket are purchased by the end user to replace, after time and wear, the air springs originally installed in commercial vehicles. Commercial vehicle air springs for the aftermarket do not have to meet the rigid qualifications that commercial vehicle OEMs require, as replacement commercial vehicle air springs are not designed for a specific commercial vehicle platform.

2. The North American Market for Commercial Vehicle Air Springs for Original Equipment Manufacturers

Rolling lobe, convoluted and sleeve commercial vehicle air springs perform distinct functions and, in general, cannot be substituted for each other. For instance, an air spring used in a trailer suspension is not the same as an air spring used for a truck seat. Accordingly, the three types of commercial vehicle air springs are not

interchangeable or substitutable for one another, and demand for each is separate. In the event of a small but significant increase in price for a given type of commercial vehicle air spring, customers would not stop using that air spring in sufficient numbers to defeat the price increase. Thus, the development, manufacture, and sale of each type of commercial vehicle air spring is a separate line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act.

Although narrower product markets of rolling lobe, convoluted and sleeve air springs for commercial vehicles exist, the competitive dynamic for each type is nearly identical. The same firms manufacture and sell each of these products and each type of commercial vehicle air spring is sold in similar competitive conditions. Therefore, the products may be aggregated for analytical convenience into a single relevant product market for the purpose of assigning market shares and evaluating the competitive impact of the acquisition.

Commercial vehicle OEMs require each air spring to meet rigid qualification standards to ensure performance, quality and engineering design fit. Commercial vehicle air springs sold into the aftermarket for replacement purposes are not of sufficient quality or reliability to be used by commercial vehicle OEMs. Accordingly, commercial vehicle air springs for OEMs are not interchangeable with or substitutable for aftermarket commercial vehicle air springs, and demand for each is separate.

A small but significant increase in the price of commercial vehicle air springs for commercial vehicle OEMs would not cause a sufficient number of OEMs to substitute commercial vehicle air springs manufactured for the aftermarket so as to make such a price increase unprofitable. Thus, the development, manufacture, and sale of commercial vehicle air springs for OEMs is a line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act.

Commercial vehicle air springs are bulky but relatively lightweight. Despite the light weight, the cost of transporting commercial vehicle air springs is high compared to the value of the product, because the manufacturers essentially have to pay to ship air. Therefore, while shipping commercial vehicle air springs from overseas is feasible, it adds significant cost—approximately 10 to 15 percent—to the price of the product. Import taxes also add additional costs to commercial vehicle air springs that are shipped from outside North America.

In addition, commercial vehicle OEMs require that the air springs production facility be qualified. The qualification process includes inspection of the production facility by the customer. Having to inspect and qualify a facility outside of North America adds both time and expense to the process.

Further, commercial vehicle OEMs require timely delivery of air springs, as they are an essential input into the final vehicle platform. Procuring commercial vehicle air springs from overseas adds significant lead time to delivery, increases the risk of shipment delays, and makes more difficult the rapid correction of quality shortcomings in delivered product. Thus, for commercial vehicle OEMs, purchasing air springs from outside North America involves the assumption of an unacceptable level of risk.

Therefore, to successfully sell commercial vehicle air springs for OEM use in North America, an air spring manufacturer must have an air spring production facility in North America. OEM customers for commercial vehicle air springs in North America would be unwilling to switch to commercial vehicle air springs manufactured outside of North America to defeat a small but significant price increase. Accordingly, North America is a relevant geographic market for the development, manufacture, and sale of commercial vehicle air springs for OEMs within the meaning of Section 7 of the Clayton Act.

3. The North American Market for Commercial Vehicle Air Springs for the Aftermarket

Commercial vehicle air springs for the aftermarket are sold for replacement purposes. The targeted customer is the commercial vehicle owner. Because commercial vehicle air springs for the aftermarket are not designed for a specific commercial vehicle platform, they do not have to meet the rigid qualifications that commercial vehicle OEMs require. Commercial vehicle air springs for the aftermarket are of lower quality and lesser durability than commercial vehicle air springs made for OEMs. Accordingly, commercial vehicle air springs for the aftermarket are not interchangeable or substitutable for commercial vehicle air springs sold to OEMs. Demand for commercial vehicle air springs used by OEMs is separate from demand for commercial vehicle air springs for the aftermarket.

A small but significant increase in the price of commercial vehicle air springs for the aftermarket would not cause customers to substitute commercial vehicle air springs for OEMs in sufficient numbers so as to make such a price increase unprofitable. Thus, the development, manufacture, and sale of commercial vehicle air springs for the aftermarket is a line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act.

For commercial vehicle air springs sold in the aftermarket, purchases are based on price, brand or reputation, and availability. As with commercial vehicle air springs for OEMs, the cost of shipping commercial vehicle air springs for the aftermarket, individually or in small quantities, from outside North America would make them more expensive than those sold in North America. Further, the additional lead time to ship commercial vehicle air springs for individual demand makes direct purchase from overseas unattractive to potential purchasers, who want their vehicles repaired in a timely manner. Therefore, a customer typically would not directly purchase commercial vehicle air springs for the aftermarket from outside of North America.

Customers would be unwilling to switch to commercial vehicle air springs manufactured outside of North America to defeat a small but significant price increase. Accordingly, North America is a relevant geographic market for the development, manufacture, and sale of commercial vehicle air springs for the aftermarket within the meaning of Section 7 of the Clayton Act.

4. Anticompetitive Effects

a. Commercial Vehicle Air Springs for OEMs

In North America, the market for the development, manufacture, and sale of commercial vehicle air springs for OEMs is highly concentrated and would become substantially more concentrated as a result of the proposed transaction. Continental and Veyance each have approximately 30 percent of the North American market for commercial vehicle air springs sold for OEMs. The only other competitor has approximately 40 percent of the North American market, so the acquisition would result in two firms holding 100 percent of the market.

As articulated in the *Horizontal Merger Guidelines* issued by the Department of Justice and the Federal Trade Commission, and discussed in Appendix A of the Complaint, the Herfindahl-Hirschman Index (''HHI'') is a measure of market concentration. Market concentration is often one useful

indicator of the level of competitive vigor in a market and the likely competitive effects of a merger. The more concentrated a market, and the more a transaction would increase concentration in a market, the more likely it is that a transaction would result in a meaningful reduction in competition, harming consumers. Markets in which the HHI is between 1,500 and 2,500 points are considered to be moderately concentrated and markets in which the HHI is in excess of 2,500 points are considered to be highly concentrated. Transactions that increase the HHI by more than 200 points in highly concentrated markets are presumed likely to enhance market power.

In the North American market for the development, manufacture, and sale of commercial vehicle air springs for OEMs, the pre-merger HHI is 3,388; the post-merger HHI is 5,224, with an increase in the HHI of 1,836. Consistent with the Horizontal Merger Guidelines, this market is highly concentrated and would become substantially more concentrated as a result of the proposed acquisition.

A combined Continental and Veyance would have the ability to increase prices of commercial vehicle air springs sold to OEMs and to reduce the quality of service for these customers by limiting availability or delivery options. In addition, Continental's elimination of Veyance as a strong, independent competitor in the development, manufacture, and sale of commercial vehicle air springs for OEMs likely would facilitate anticompetitive coordination between the remaining two suppliers. The two suppliers would be able to estimate each other's output, capacity, reserves, and costs, making coordinated interaction easier. The transaction would substantially lessen competition in the development, manufacture, and sale of commercial vehicle air springs for OEMs in North America and lead to higher prices and decreased quality of service in violation of Section 7 of the Clayton Act.

b. Commercial Vehicle Air Springs for the Aftermarket

In North America, the market for the development, manufacture, and sale of commercial vehicle air springs sold in the aftermarket is highly concentrated and would become substantially more concentrated as a result of the proposed transaction. Veyance has approximately 33 percent of the market, Continental has approximately 17 percent of the market, and one other competitor has approximately 45 percent. Were the acquisition to proceed, the two firms each would have close to a 50 percent share of the market.

For the North American market for the development, manufacture, and sale of commercial vehicle air springs sold in the aftermarket, the premerger HHI is 3,403, the post-acquisition HHI is 4,525, and the acquisition would produce an increase of 1,122 in the HHI. Consistent with the Horizontal Merger Guidelines, this market is highly concentrated and would become substantially more concentrated as a result of the proposed acquisition. The proposed transaction likely would substantially lessen competition in the North American market for the development, manufacture, and sale of commercial vehicle air springs for the aftermarket and lead to higher prices and decreased quality of service in violation of Section 7 of the Clayton Act.

5. Difficulty of Entry

a. Commercial Vehicle Air Springs for OEMs

Choosing an appropriate factory location, ordering the necessary equipment and setting up the factory for production of commercial vehicle air springs likely would take two or more years and would require a substantial investment. Once a location is chosen and the factory is producing, the OEM qualification process can take two or more additional years. Qualification requires a number of steps, and both the factory and the particular air springs to be used by the commercial vehicle OEM must be qualified.

Because of the cost and difficulty of establishing a production facility in North America and gaining requisite OEM qualification, entry into the North American market for the development, manufacture, and sale of commercial vehicle air springs for OEMs would not be timely, likely or sufficient to mitigate the anticompetitive effects of Continental's proposed acquisition of Veyance.

b. Commercial Vehicle Air Springs for the Aftermarket

The impact of the acquisition in the North American market for the development, manufacture, and sale of commercial vehicle air springs for the aftermarket would not be remedied quickly by the response of foreign suppliers. These suppliers lack a recognized brand and reputation in North America, and most lack the broad product portfolio, to supply commercial vehicle air springs that would be accepted by most OEMs. Foreign firms are not present in the North American market for the development, manufacture, and sale of commercial vehicle air springs for OEMs, so they do not have established reputations that would contribute to their acceptance in the aftermarket. Therefore, entry would not be timely, likely, or sufficient to mitigate the anticompetitive effects of Continental's proposed acquisition of Veyance.

III. EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The divestiture required by the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition in the North American market for commercial vehicle air springs by establishing a new, independent, and economically viable competitor. Paragraph IV.A of the proposed Final Judgment requires defendants, within ninety (90) days after the filing of the Complaint, or five days after notice of the entry of the Final Judgment by the Court, whichever is later, to divest the Veyance North America Air Springs Business. The assets must be divested in such a way as to satisfy the United States in its sole discretion that the Veyance North America Air Springs Business can and will be operated by the purchaser as a viable, ongoing business that can compete effectively in the development, manufacture, and sale of commercial vehicle air springs. Defendants must take all reasonable steps necessary to accomplish the divestiture quickly and shall cooperate with prospective purchasers.

The Divestiture Assets include the Veyance North America Air Springs Business, including its manufacturing facility and its assembly facility, both located in San Luis Potosi, Mexico, and its research and development, engineering and testing operations, and administration assets located in Fairlawn, Ohio (''Fairlawn Facility''). The Veyance North America Air Springs Business produces commercial vehicle air springs sold to customers in North America. It is an established, high-quality manufacturer with product offerings that have been qualified by its customers and sufficient capacity to meet current and future demand for its product.

The proposed Final Judgment requires the divestiture of all tangible and intangible assets primarily used in or for the Veyance North America Air Springs Business. These assets will provide the Acquirer not only with physical assets, but also with intellectual property and rights, specifically including all U.S. patents and other intellectual property used by the Veyance North America Air Springs Business in the development,

manufacture and sale of air springs, and a non-exclusive, perpetual, worldwide, royalty-free license for all non-U.S. patents and pending patent applications for use in the design, development, manufacture, marketing, servicing and/or sale of air springs produced for customers located outside of North America.

Paragraph IV.C of the proposed Final Judgment prohibits defendants from interfering with the Acquirer's ability to hire defendants' employees whose primary responsibility is the development, manufacture and sale of air springs. The proposed Final Judgment explicitly includes in this provision four categories of employees critical to the Veyance North America Air Springs Business: (1) Head of Air Springs Business, (2) Head of Sales and Marketing, (3) a Chief Chemist for Air Springs, and (4) aftermarket sales personnel. The proposed Final Judgment proscribes defendants' interference with negotiations by the Acquirer to hire these employees.

The Veyance North America Air Springs Business currently sources critical inputs—compounds and calendered materials—from a Veyance facility that is not being divested. The Acquirer initially may require a ready supply of such inputs for the manufacture of air springs. Therefore, Paragraph IV.G of the proposed Final Judgment provides that, at the option of the Acquirer, Continental shall enter into a supply contract for compounds and calendered materials sufficient to meet all or part of the Acquirer's needs for a period of up to one (1) year. The United States, in its sole discretion, may approve an extension of the term for a period totaling not more than one (1) additional year. The Acquirer also may require a transition services agreement for back office and technical support to ensure the continuity of the operations of the Veyance North America Air Springs Business. The proposed Final Judgment, in Paragraph IV.H, provides the Acquirer with the option for a transition services agreement for six (6) months, with a possible extension of the term for another six (6) months.

The research and development, engineering and testing operations, and administration assets included in the Divestiture Assets are housed on the first and third floors of the Fairlawn Facility, which is also Veyance's world headquarters. The proposed Final Judgment, in Paragraph IV.J, provides that, at the option of the Acquirer, defendants shall enter into a sublease for the first and third floors of the Fairlawn Facility for a period of six (6) months. The United States, in its sole discretion, may approve one or more extensions for a total of up to an additional six (6) months. Should the Acquirer exercise its option to sublease space in the Fairlawn Facility, the proposed Final Judgment, in Paragraph IV.K, requires defendants to create physical barriers that segregate the air spring operations from the portions of the Fairlawn Facility that will remain occupied by defendants.

Veyance has a lab and testing equipment located on the second floor of the Fairlawn Facility that supports various Veyance businesses, including its air springs business. In Paragraph IV.L, the proposed Final Judgment provides that, at the option of the Acquirer, defendants will provide the Acquirer with complete and sole access to the laboratory and all the equipment located on the second floor of the Fairlawn Facility for a continuous pre-scheduled, 48-hour period each week. To maintain the confidentiality of the Acquirer's operations, Paragraph IV.M of the proposed Final Judgment, requires defendants to program the equipment on the second floor of the Fairlawn Facility to ensure that no results related to air springs testing are stored on the equipment and that such results instead will be routed only to a server designated by the Acquirer.

Veyance utilizes for its various businesses, including its air springs business, three warehouses located, respectively, in San Luis Potosi, Mexico; Moberly, Missouri; and Mississauga, Ontario, Canada. Paragraph IV.N of the proposed Final Judgment provides that, at the option of the Acquirer, defendants shall enter into a sublease with the Acquirer for space at any or all of the warehouses. Should the Acquirer exercise this option, the proposed Final Judgment, in Paragraph IV.O, requires defendants to create physical barriers segregating the air springs areas at each of the warehouses from the portions of each warehouse that will remain occupied by defendants.

By providing for the possibility of a supply contract for compounds and calendered materials, a transition services agreement, and the physical segregation of the Fairlawn Facility and the warehouses, the proposed Final Judgment contemplates an ongoing relationship between defendants and the Acquirer for a period of time. Should the United States conclude that it would benefit from the assistance of a Monitoring Trustee to oversee the negotiation of the agreements and the segregation of the shared facilities, Section X of the proposed Final Judgment provides for the appointment of a Monitoring Trustee with the power and authority to investigate and report on the parties' compliance with the terms of the Final Judgment and the Hold Separate Stipulation and Order during the pendency of the divestiture, including the terms of the supply agreement, the transition services agreement, and the physical segregation of the shared facilities. The Monitoring Trustee would not have any responsibility or obligation for the operation of the parties' businesses. The Monitoring Trustee would serve at defendants' expense, on such terms and conditions as the United States approves, and defendants must assist the trustee in fulfilling its obligations. The Monitoring Trustee would file monthly reports and would serve until the divestiture of the Divestiture Assets is finalized pursuant to either Section IV or Section V of the proposed Final Judgment and the expiration of any transition services agreement between defendants and the Acquirer.

In the event that defendants do not accomplish the divestiture within the prescribed period, Section V of the proposed Final Judgment provides that the Court will appoint a trustee selected by the United States to effect the divestiture. If a trustee is appointed, the proposed Final Judgment provides that Defendants will pay all costs and expenses of the trustee. The trustee's commission will be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which the divestiture is accomplished. After his or her appointment becomes effective, the trustee will file monthly reports with the Court and the United States setting forth his or her efforts to accomplish the divestiture. At the end of six (6) months, if the divestiture has not been accomplished, the trustee and the United States will make recommendations to the Court, which shall enter such orders as appropriate, in order to carry out the purpose of the trust, including extending the trust or the term of the trustee's appointment.

The divestiture provisions of the proposed Final Judgment will eliminate the anticompetitive effects that likely would result if Continental acquired Veyance because the Acquirer will have the ability to develop, manufacture and sell commercial vehicle air springs to customers in North America in competition with Continental.

IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws

may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against Defendants.

V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED FINAL JUDGMENT

The United States and Defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or the last date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to the Court's entry of judgment. The comments and the response of the United States will be filed with the Court. In addition, comments will be posted on the U.S. Department of Justice, Antitrust Division's internet Web site and, under certain circumstances, published in the **Federal Register**.

Written comments should be submitted to: Maribeth Petrizzi, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 450 Fifth Street, NW., Suite 8700, Washington, DC 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits against Defendants. The United States could have continued the litigation and sought preliminary and permanent injunctions against Continental's acquisition of Veyance. The United States is satisfied, however, that the divestiture of assets described in the proposed Final Judgment will preserve competition for the development, manufacture and sale of commercial vehicle air springs in North America. Thus, the proposed Final Judgment would achieve all or substantially all of the relief the United States would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the Complaint.

VII. STANDARD OF REVIEW UNDER THE APPA FOR THE PROPOSED FINAL JUDGMENT

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. § 16(e)(1). In making that determination, the court, in accordance with the statute as amended in 2004, is required to consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the court's inquiry is necessarily a limited one as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *see generally United States* v. *SBC Commc'ns, Inc.,* 489 F. Supp. 2d 1 (D.D.C. 2007) (assessing public interest standard under the Tunney Act); *United States* v. *U.S. Airways Group, Inc.,* No. 13–cv–1236 (CKK), 2014–1 Trade Cas. (CCH) ¶ 78, 748, 2014 U.S. Dist. LEXIS 57801, at *7 (D.D.C. Apr. 25, 2014) (noting the court has broad discretion of the adequacy of the relief at issue); *United States* v. *InBev N.V./S.A.,* No. 08–1965 (JR), 2009–2 Trade Cas. (CCH) ¶ 76,736, 2009 U.S. Dist. LEXIS 84787, at *3, (D.D.C. Aug. 11, 2009) (noting that the court's review of a consent judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanism to enforce the final judgment are clear and manageable.'').[1]

As the United States Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS, Inc.,* 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States* v. *Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir. 1981)); *see also Microsoft,* 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. Courts have held that:

> [t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.*'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

[1] The 2004 amendments substituted ''shall'' for ''may'' in directing relevant factors for court to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. *Compare* 15 U.S.C. 16(e) (2004), *with* 15 U.S.C. 16(e)(1) (2006); *see also SBC Commc'ns,* 489 F. Supp. 2d at 11 (concluding that the 2004 amendments ''effected minimal changes'' to Tunney Act review).

Bechtel, 648 F.2d at 666 (emphasis added) (citations omitted).[2] In determining whether a proposed settlement is in the public interest, a district court ''must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17; *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *16 (noting that a court should not reject the proposed remedies because it believes others are preferable); *Microsoft,* 56 F.3d at 1461 (noting the need for courts to be ''deferential to the government's predictions as to the effect of the proposed remedies''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that the court should grant due respect to the United States' prediction as to the effect of proposed remedies, its perception of the market structure, and its views of the nature of the case).

Courts have greater flexibility in approving proposed consent decrees than in crafting their own decrees following a finding of liability in a litigated matter. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.''' *United States* v. *Am. Tel. & Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982) (citations omitted) (quoting *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975)), *aff'd sub nom. Maryland* v. *United States,* 460 U.S. 1001 (1983); *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *8 (noting that room must be made for the government to grant concessions in the negotiation process for settlements (citing *Microsoft,* 56 F.3d at 1461); *United States* v. *Alcan Aluminum Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985) (approving the consent decree even though the court would have imposed a greater remedy). To meet this standard, the United States ''need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17.

Moreover, the court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable; *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''the 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60. As this Court confirmed in *SBC Communications,* courts ''cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.'' *SBC Commc'ns,* 489 F. Supp. 2d at 15.

In its 2004 amendments, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. 16(e)(2); *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). The language wrote into the statute what Congress intended when it enacted the Tunney Act in 1974, as Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the court, with the recognition that the court's ''scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.'' *SBC Commc'ns,* 489 F. Supp. 2d at 11.[3] A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9.

VIII. DETERMINATIVE DOCUMENTS

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: December 11, 2014

Respectfully submitted,

/s/ _____

Suzanne Morris

U.S. Department of Justice, Antitrust Division, Litigation II Section, Liberty Square Building, 450 Fifth Street NW., Suite 8700, Washington, DC 20530, Tel.: (202) 307–1188 Email: suzanne.morris@usdoj.gov

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *Continental AG* and *Veyance Technologies, Inc.* Defendants.

CASE NO.: 1:14–cv–02087

JUDGE: Hon. Reggie B. Walton

PROPOSED FINAL JUDGMENT

WHEREAS, Plaintiff, United States of America, filed its Complaint on December 11, 2014, the United States and defendants, Continental AG (''Continental'') and Veyance Technologies, Inc. (''Veyance''), by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

AND WHEREAS, defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

[2] *Cf. BNS,* 858 F.2d at 464 (holding that the court's ''ultimate authority under the [APPA] is limited to approving or disapproving the consent decree''); *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975) (noting that, in this way, the court is constrained to ''look at the overall picture not hypercritically, nor with a microscope, but with an artist's reducing glass''). *See generally Microsoft,* 56 F.3d at 1461 (discussing whether ''the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest''').

[3] *See United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the ''Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone''); *United States* v. *Mid-Am. Dairymen, Inc.,* No. 73–CV–681–W–1, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71,980, *22 (W.D. Mo. 1977) (''Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.''); S. Rep. No. 93–298, at 6 (1973) (''Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.'').

AND WHEREAS, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the defendants to assure that competition is not substantially lessened;

AND WHEREAS, the United States requires defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

AND WHEREAS, defendants have represented to the United States that the divestitures required below can and will be made and that defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

NOW THEREFORE, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is ORDERED, ADJUDGED AND DECREED:

I. Jurisdiction

This Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. ''Continental'' means defendant Continental AG, a German corporation with its headquarters in Hanover, Germany, its successors, assigns, subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

B. ''Veyance'' means defendant Veyance Technologies, Inc., a Delaware corporation with its headquarters in Fairlawn, Ohio, its successors, assigns, subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''Acquirer'' means the entity to which defendants divest the Divestiture Assets.

D. ''Air Springs'' means rolling lobe, bellow, sleeve and other air springs used as original equipment or replacement parts in commercial vehicle, passenger car, and industrial applications.

E. ''Veyance North America Air Springs Business'' means Veyance's North American operations for the development, manufacture and sale of Air Springs and includes Veyance's subsidiary, Veyance Productos Industriales, S. de R.L. de C.V., a Mexican corporation with its principal place of business in San Luis Potosi, Mexico.

F. ''Divestiture Assets'' means the Veyance North America Air Springs Business, including, but not limited to:

1. The manufacturing facility located at Eje Central Sahop No 215, Manzana 53, Zona Industrial 1A. Seccion Land A, San Luis Potosi, SLP, CP 78395;

2. The assembly facility located at Eje 128 No.140 interior C y D, Zona industrial del Potosi, SLP, CP 78395;

3. The Air Springs research and development, engineering and testing operations, and administration assets used for the Veyance North America Air Springs Business located at 703 South Cleveland Massillon Road, Fairlawn, Ohio 44333 (''Fairlawn Facility'');

4.a. All tangible assets used primarily in or for the Veyance North America Air Springs Business, including, but not limited to, all real property and improvements, manufacturing equipment, product inventory, tooling and fixed assets, personal property, input inventory, office furniture, materials, supplies, and other tangible property and assets;

b. All tangible assets used primarily in or for the research and development, product and material design, and testing of any Air Spring product for the Veyance North America Air Springs Business, including, but not limited to, equipment, records, materials, supplies, and other property (except for the testing machines located on the second floor of the Fairlawn Facility); and

c. All records and documents relating to the Veyance North America Air Springs Business, including, but not limited to, all licenses, permits and authorizations issued by any governmental organization; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings, including supply agreements; all customer lists, contracts, purchase orders, accounts, and credit records; and all repair and performance records and all other records relating to the Veyance North America Air Springs Business.

5.a. All intangible assets used by the Veyance North America Air Springs Business in the development, manufacture, and sale of Air Springs, including, but not limited to, all U.S. patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, technical information, computer software and related documentation, know-how (including, but not limited to, recipes, formulas, and machine settings), trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, all research data concerning historic and current research and development relating to the Veyance North America Air Springs Business, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information defendants provide to their own employees, customers, suppliers, agents or licensees, and all research data concerning historic and current research and development efforts relating to the Veyance North America Air Springs Business (including, but not limited to, product testing, designs of experiments, and the results of successful and unsuccessful designs and experiments);

b. The trade names ''SUPER-CUSHION'' and ''SPRINGRIDE'', or any derivation thereof; and

c. A non-exclusive, perpetual, worldwide, royalty-free license for all non-U.S. patents and pending patent applications for use in the design, development, manufacture, marketing, servicing, and/or sale of Air Springs produced for locations outside of North America, which shall be transferable only to any future purchaser of all or substantially all of the Veyance North America Air Springs Business. Any improvements or modifications to these intangible assets developed by the Acquirer of the Veyance North America Air Springs Business shall be owned solely by that Acquirer.

G. ''Warehouses'' means the Air Springs storage and handling assets used for the Veyance North America Air Springs Business located at:

1. Circuito Exportacion 412, Parque Industrial Tres Naciones, San Luis Potosi, SLP, CP 78395;

2. 1957 Route DD, Moberly, Missouri 65270; and

3. 237 Brunel Road, Mississauga, Ontario L4Z 1T5, Canada.

III. Applicability

A. This Final Judgment applies to Continental and Veyance, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. If, prior to complying with Section IV and V of this Final Judgment, defendants sell or otherwise dispose of all or substantially all of their assets or of lesser business units that include the Divestiture Assets, they shall require the purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from the

Acquirer of the assets divested pursuant to this Final Judgment.

IV. Divestitures

A. Defendants are ordered and directed, within ninety (90) calendar days after the filing of the Complaint in this matter, or five (5) calendar days after notice of the entry of this Final Judgment by the Court, whichever is later, to divest the Divestiture Assets in a manner consistent with this Final Judgment to an Acquirer acceptable to the United States, in its sole discretion. The United States, in its sole discretion, may agree to one or more extensions of this time period not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the Divestiture Assets as expeditiously as possible.

B. In accomplishing the divestiture ordered by this Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Assets. Defendants shall inform any person making an inquiry regarding a possible purchase of the Divestiture Assets that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets customarily provided in a due diligence process except such information or documents subject to the attorney-client privileges or work-product doctrine. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

C. Defendants shall provide the Acquirer and the United States information relating to the personnel involved in the development, manufacture and sale of Air Springs to enable the Acquirer to make offers of employment. Defendants shall not interfere with any negotiations by the Acquirer to employ any defendant employee whose primary responsibility is the development, manufacture and sale of Air Springs, and shall not interfere with negotiations by the Acquirer to employ the following personnel (1) Head of Air Springs Business, (2) Head of Sales and Marketing, (3) a Chief Chemist for Air Springs, and (4) aftermarket sales personnel.

D. Defendants shall permit prospective Acquirers of the Divestiture Assets to have reasonable access to personnel and to make inspections of the physical facilities of the Divestiture Assets; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

E. Defendants shall warrant to the Acquirer that each asset will be operational on the date of sale.

F. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Divestiture Assets.

G. At the option of the Acquirer, Continental shall enter into a supply contract for compounds and calendered materials (rubberized fabric used in the production of Air Springs) sufficient to meet all or part of the Acquirer's needs for a period of up to one (1) year. The terms and conditions of any contractual arrangement meant to satisfy this provision must be reasonably related to market conditions for compounds and calendered fabrics. The United States, in its sole discretion, may approve one or more extensions of the term of this supply contract for a period totaling not more than one (1) additional year. If the Acquirer seeks an extension of the term of this supply contract, it shall so notify the United States in writing at least three (3) months prior to the date the supply contract expires. If the United States approves such an extension, it shall so notify the Acquirer in writing at least two (2) months prior to the date the supply contract expires.

H. At the option of the Acquirer, Continental shall enter into a transition services agreement with the Acquirer for back office and technical support sufficient to meet all or part of the Acquirer's needs for a period of up to six (6) months. The United States, in its sole discretion, may approve one or more extensions of this agreement for a total of up to an additional six (6) months. The terms and conditions of any contractual arrangement intended to satisfy this provision must be reasonably related to the market value of the expertise of the personnel providing any needed assistance.

I. Defendants shall warrant to the Acquirer that there are no material defects in the environmental, zoning or other permits pertaining to the operation of each asset, and that following the sale of the Divestiture Assets, defendants will not undertake, directly or indirectly, any challenge to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets.

J. At the option of the Acquirer, defendants shall enter into a sublease for the first and third floors of the Fairlawn Facility for a period of six (6) months. The United States, in its sole discretion, may approve one or more extensions of this sublease for a total of up to an additional six (6) months.

K. Defendants shall create physical barriers that segregate the Air Springs operations at the Fairlawn Facility from the portions of the Fairlawn Facility that will remain occupied by defendants. Defendants' areas and operations at the Fairlawn Facility shall be secured separately from those of the Acquirer so that the Acquirer's areas and operations cannot be accessed by defendants and defendants' areas and operations cannot be accessed by the Acquirer, other than for facility repair, support, and maintenance pursuant to a lease or other lease agreement.

L. At the option of the Acquirer, defendants will provide the Acquirer with complete and sole access to the laboratory and all the equipment located on the second floor of the Fairlawn Facility for a continuous pre-scheduled, 48-hour period each week.

M. Defendants will program the equipment located on the second floor of the Fairlawn Facility to ensure that no results related to Air Springs testing are stored on the equipment and that such results instead will be routed only to a server designated by the Acquirer.

N. At the option of the Acquirer, defendants shall enter into a sublease with the Acquirer for space at any or all of the Warehouses.

O. Defendants shall create physical barriers that segregate the Air Springs areas at each of the Warehouses from the portions of each Warehouse that will remain occupied by defendants. Defendants' areas and operations at the Warehouses shall be secured with access locks separate from those of the Acquirer so that the Acquirer's areas and operations cannot be accessed by defendants and defendants' areas and operations cannot be accessed by the Acquirer.

P. Unless the United States otherwise consents in writing, the divestiture pursuant to Section IV, or by a Divestiture Trustee appointed pursuant to Section V, of this Final Judgment, shall include the entire Divestiture Assets, and shall be accomplished in such a way as to satisfy the United States, in its sole discretion, that the Divestiture Assets can and will be used by the Acquirer(s) as part of a viable, ongoing business in the development, manufacture and sale of commercial vehicle Air Springs to customers in North America. The divestitures, whether pursuant to Section IV or Section V of this Final Judgment,

(1) shall be made to an Acquirer that, in the United States' sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) of competing effectively in the development, manufacture, and sale of commercial vehicle Air Springs to customers in North America; and

(2) shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer and defendants give defendants the ability unreasonably to raise the Acquirer's costs, to lower the Acquirer's efficiency, or otherwise to interfere in the ability of the Acquirer to compete effectively.

V. Appointment of Divestiture Trustee

A. If defendants have not divested the Divestiture Assets within the time period specified in Section IV(A), defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a Divestiture Trustee selected by the United States and approved by the Court to effect the divestiture of the Divestiture Assets.

B. After the appointment of a Divestiture Trustee becomes effective, only the Divestiture Trustee shall have the right to sell the Divestiture Assets. The Divestiture Trustee shall have the power and authority to accomplish the divestiture to an Acquirer acceptable to the United States at such price and on such terms as are then obtainable upon reasonable effort by the Divestiture Trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and shall have such other powers as this Court deems appropriate. Subject to Section V(D) of this Final Judgment, the Divestiture Trustee may hire at the cost and expense of defendants any investment bankers, attorneys, or other agents, who shall be solely accountable to the Divestiture Trustee, reasonably necessary in the Divestiture Trustee's judgment to assist in the divestiture. Any such investment bankers, attorneys, or other agents shall serve on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications.

C. Defendants shall not object to a sale by the Divestiture Trustee on any ground other than the Divestiture Trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the Divestiture Trustee within ten (10) calendar days after the Divestiture Trustee has provided the notice required under Section VI.

D. The Divestiture Trustee shall serve at the cost and expense of defendants pursuant to a written agreement, on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications. The Divestiture Trustee shall account for all monies derived from the sale of the assets sold by the Divestiture Trustee and all costs and expenses so incurred. After approval by the Court of the Divestiture Trustee's accounting, including fees for its services yet unpaid and those of any professionals and agents retained by the Divestiture Trustee, all remaining money shall be paid to defendants and the trust shall then be terminated. The compensation of the Divestiture Trustee and any professionals and agents retained by the Divestiture Trustee shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement providing the Divestiture Trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, but timeliness is paramount. If the Divestiture Trustee and defendants are unable to reach agreement on the Divestiture Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within 14 calendar days of appointment of the Divestiture Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Divestiture Trustee shall, within three (3) business days of hiring any other professionals or agents, provide written notice of such hiring and the rate of compensation to defendants and the United States.

E. Defendants shall use their best efforts to assist the Divestiture Trustee in accomplishing the required divestiture. The Divestiture Trustee and any consultants, accountants, attorneys, and other agents retained by the Divestiture Trustee shall have full and complete access to the personnel, books, records, and facilities of the business to be divested, and defendants shall develop financial and other information relevant to such business as the Divestiture Trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Divestiture Trustee's accomplishment of the divestiture.

F. After its appointment, the Divestiture Trustee shall file monthly reports with the United States and, as appropriate, the Court setting forth the Divestiture Trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person. The Divestiture Trustee shall maintain full records of all efforts made to divest the Divestiture Assets.

G. If the Divestiture Trustee has not accomplished the divestiture ordered under this Final Judgment within six months after its appointment, the Divestiture Trustee shall promptly file with the Court a report setting forth (1) the Divestiture Trustee's efforts to accomplish the required divestiture, (2) the reasons, in the Divestiture Trustee's judgment, why the required divestiture has not been accomplished, and (3) the Divestiture Trustee's recommendations. To the extent such reports contains information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. The Divestiture Trustee shall at the same time furnish such report to the United States which shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the Final Judgment, which may, if necessary, include extending the trust and the term of the Divestiture Trustee's appointment by a period requested by the United States.

H. If the United States determines that the Divestiture Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Divestiture Trustee.

VI. Notice of Proposed Divestiture

A. Within two (2) business days following execution of a definitive divestiture agreement, defendants or the Divestiture Trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the United States of any proposed divestiture required by Section IV or V of this Final Judgment. If the Divestiture Trustee is responsible, it shall similarly notify defendants. The notice shall set forth

the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from defendants, the proposed Acquirer, any other third party, or the Divestiture Trustee, if applicable, additional information concerning the proposed divestiture, the proposed Acquirer, and any other potential Acquirer. Defendants and the Divestiture Trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from defendants, the proposed Acquirer, any third party, and the Divestiture Trustee, whichever is later, the United States shall provide written notice to defendants and the Divestiture Trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to defendants' limited right to object to the sale under Section V(C) of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer or upon objection by the United States, a divestiture proposed under Section IV or Section V shall not be consummated. Upon objection by defendants under Section V(C), a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. Financing

Defendants shall not finance all or any part of any purchase made pursuant to Section IV or V of this Final Judgment.

VIII. Hold Separate

Until the divestiture required by this Final Judgment has been accomplished, defendants shall take all steps necessary to comply with the Hold Separate Stipulation and Order entered by this Court. Defendants shall take no action that would jeopardize the divestiture ordered by this Court.

IX. Affidavits

A. Within twenty (20) calendar days of the filing of the Complaint in this matter, and every thirty (30) calendar days thereafter until the divestiture has been completed under Section IV or V, defendants shall deliver to the United States an affidavit as to the fact and manner of its compliance with Section IV or V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, during the preceding thirty (30) calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts defendants have taken to solicit buyers for the Divestiture Assets, and to provide required information to prospective Acquirers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by defendants, including limitation on information, shall be made within fourteen (14) calendar days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, defendants shall deliver to the United States an affidavit that describes in reasonable detail all actions defendants have taken and all steps defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in defendants' earlier affidavits filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one year after such divestiture has been completed.

X. Appointment of Monitoring Trustee

A. Upon application of the United States, the Court shall appoint a Monitoring Trustee selected by the United States and approved by the Court.

B. The Monitoring Trustee shall have the power and authority to monitor defendants' compliance with the terms of this Final Judgment and the Hold Separate Stipulation and Order entered by this Court, and shall have such other powers as this Court deems appropriate. The Monitoring Trustee shall be required to investigate and report on the Defendants' compliance with this Final Judgment and the Hold Separate Stipulation and Order and the defendants' progress toward effectuating the purposes of this Final Judgment, including but not limited to the terms of a supply contract for compounds and calendered materials, a transition services agreement, and the physical segregation of the Fairlawn Facility and the Warehouses.

C. Subject to Section X(E) of this Final Judgment, the Monitoring Trustee may hire at the cost and expense of defendants any consultants, accountants, attorneys, or other agents, who shall be solely accountable to the Monitoring Trustee, reasonably necessary in the Monitoring Trustee's judgment. Any such consultants, accountants, attorneys, or other agents shall serve on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications.

D. Defendants shall not object to actions taken by the Monitoring Trustee in fulfillment of the Monitoring Trustee's responsibilities under any Order of this Court on any ground other than the Monitoring Trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the Monitoring Trustee within ten (10) calendar days after the action taken by the Monitoring Trustee giving rise to the defendants' objection.

E. The Monitoring Trustee shall serve at the cost and expense of defendants pursuant to a written agreement with defendants and on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications. The compensation of the Monitoring Trustee and any consultants, accountants, attorneys, and other agents retained by the Monitoring Trustee shall be on reasonable and customary terms commensurate with the individuals' experience and responsibilities. If the Monitoring Trustee and defendants are unable to reach agreement on the Monitoring Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within 14 calendar days of appointment of the Monitoring Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Monitoring Trustee shall, within three (3) business days of hiring any

consultants, accountants, attorneys, or other agents, provide written notice of such hiring and the rate of compensation to defendants and the United States.

F. The Monitoring Trustee shall have no responsibility or obligation for the operation of defendants' businesses.

G. Defendants shall use their best efforts to assist the Monitoring Trustee in monitoring defendants' compliance with their individual obligations under this Final Judgment and under the Hold Separate Stipulation and Order. The Monitoring Trustee and any consultants, accountants, attorneys, and other agents retained by the Monitoring Trustee shall have full and complete access to the personnel, books, records, and facilities relating to compliance with this Final Judgment, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Monitoring Trustee's accomplishment of its responsibilities.

H. After its appointment, the Monitoring Trustee shall file reports monthly, or more frequently as needed, with the United States, and, as appropriate, the Court setting forth defendants' efforts to comply with its obligations under this Final Judgment and under the Hold Separate Stipulation and Order. To the extent such reports contain information that the Monitoring Trustee deems confidential, such reports shall not be filed in the public docket of the Court.

I. The Monitoring Trustee shall serve until the divestiture of all the Divestiture Assets is finalized pursuant to either Section IV or Section V of this Final Judgment and the expiration of any continuing transition services agreement.

J. If the United States determines that the Monitoring Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Monitoring Trustee.

XI. Compliance Inspection

A. For the purposes of determining or securing compliance with this Final Judgment, or of any related orders such as any Hold Separate Order, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, shall, upon written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants, be permitted:

(1) access during defendants' office hours to inspect and copy, or at the option of the United States, to require defendants to provide hard copy or electronic copies of, all books, ledgers, accounts, records, data, and documents in the possession, custody, or control of defendants, relating to any matters contained in this Final Judgment; and

(2) to interview, either informally or on the record, defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit written reports or response to written interrogatories, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to the United States, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure,'' then the United States shall give defendants ten (10) calendar days notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XII. No Reacquisition

Defendants may not reacquire any part of the Divestiture Assets during the term of this Final Judgment.

XIII. Retention of Jurisdiction

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XIV. Expiration of Final Judgment

Unless this Court grants an extension, this Final Judgment shall expire ten years from the date of its entry.

XV. Public Interest Determination

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, and any comments thereon and the United States' responses to comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and response to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date: _____

Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. § 16

_____

United States District Judge

[FR Doc. 2014–29862 Filed 12–19–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Office of Federal Contract Compliance Programs Construction Recordkeeping and Reporting Requirements

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Federal Contract Compliance Programs sponsored information collection request (ICR) titled, ''Office of Federal Contract Compliance Programs Construction Recordkeeping and Reporting Requirements,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before January 21, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201406-1250-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OFCCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for Office of Federal Contract Compliance Programs (OFCCP) construction recordkeeping and reporting requirements. The OFCCP administers three nondiscrimination and equal employment opportunity laws: Executive Order 11246, as amended; Rehabilitation Act of 1973, as amended section 503 (29 U.S.C. 793); and Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended section 4212 (38 U.S.C. 4212). These authorities prohibit employment discrimination and require covered Federal contractors to take affirmative action to ensure that equal employment opportunities are available regardless of race, sex, color, national origin, religion, or status as an individual with a disability or protected veteran. Recordkeeping and reporting by Federal and Federally assisted construction contractors and subcontractors is necessary to substantiate their compliance with nondiscrimination and affirmative action contractual obligations.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1250–0001.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on December 31, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 2, 2014 (79 FR 52044).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1250–0001. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OFCCP.

Title of Collection: Office of Federal Contract Compliance Programs Construction Record keeping and Reporting Requirements.

OMB Control Number: 1250–0001.

Affected Public: Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 52,429.

Total Estimated Number of Responses: 52,429.

Total Estimated Annual Time Burden: 803,725 hours.

Total Estimated Annual Other Costs Burden: $83,131.

Dated: December 16, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–29830 Filed 12–19–14; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,468]

Comcast Cable Central Division Customer Care, Alpharetta, Georgia; Notice of Negative Determination Regarding Application for Reconsideration

By application dated October 21, 2014, workers requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of Comcast Cable, Central Division Customer Care, Alpharetta, Georgia (subject firm). The determination was issued on September 22, 2014. The Department's Notice of determination was published in the **Federal Register** on October 21, 2014 (79 FR 62971).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The negative determination was based on the Department's findings that the subject firm does not produce an article within the meaning of Section 222(a) or Section 222(b) of the Act. In order to be considered eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, the worker group seeking certification (or on whose behalf certification is being sought) must work for a ''firm'' or appropriate subdivision that produces an article. The definition of a firm includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court.

During the investigation, the Department obtained information that revealed that the subject firm did not produce an article; rather, the subject firm supplied services related to call center services.

In the request for reconsideration, the workers assert that their jobs were outsourced to foreign countries but did not provide information pertaining to the subject firm producing an article. 29 CFR 90.

The petitioners did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination. Based on these findings, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After careful review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 9th day of December, 2014

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–29828 Filed 12–19–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,013]

TRW Integrated Chassis Systems, LLC, North American Braking Division, a Subsidiary of TRW Automotive, Including On-Site Leased Workers From Adecco and DM Burr, Saginaw, Michigan; Notice of Negative Determination Regarding Application for Reconsideration

By application dated October 15, 2014, the United Automobile Workers (UAW), Local Union 467, requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance, applicable to workers and former workers of TRW Integrated Chassis Systems, LLC, North American Braking Division, a subsidiary of TRW Automotive, Saginaw, Michigan (subject firm). The subject firm is engaged in activities related to the production of rotor and knuckle components and brake corners. The subject worker group includes on-site leased workers from Adecco and DM Burr.

The denial notice was signed on February 26, 2014, and the Notice of Determination was published in the **Federal Register** on October 29, 2014 (79 FR 64415).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis- interpretation of facts or of the law justified reconsideration of the decision.

The negative determination was based on the Department's findings that the subject firm did not shift the production of articles like or directly competitive with rotor and knuckle components and brake corners to a foreign country; that imports of articles like or directly competitive with the rotor and knuckle components and brake corners did not contribute importantly to the workers' separation or threat of separation and to the decline in sales or production of the firm; and that the subject firm is not a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. 2272(a).

In the request for reconsideration, the UAW asserts that the workers of the subject firm should be eligible for TAA because industry imports into the United States increased in the first quarter of 2014. The UAW, however, did not provide new information pertaining to 2012 and 2013, which are the time periods under investigation. 29 CFR 90

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination. Based on these findings, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After careful review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 9th day of December, 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–29824 Filed 12–19–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket Nos. OSHA–2014–0020, 0017, 0010, 0008, 0006, 0003, 0002, OSHA–2013–0014, 0001, OSHA–2012–0056, 0053, 0052, 0051, 0050, 0049, 0048, 0047, 0046, 0045, 0044, 0043, 0042, 0041, OSHA–2011–0093]

Authorization To Open Dockets of Denied Variance Applications for Public Access

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its intent to update the publication of the dockets of variance applications that it denied in the past. Because OSHA denied these applications, it did not publish them in the **Federal Register** for public review. OSHA is making this information available to the public to enhance

transparency concerning the variance process, to assist the public in understanding the variance process, and to reduce errors in applying for future variances.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Stefan Weisz, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110 or email: *weisz.stefan@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The principal objective of the Occupational Safety and Health Act of 1970 (''the OSH Act'') is ''to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources'' (29 U.S.C. 651 *et seq.*). In fulfilling this objective, the OSH Act authorizes the implementation of ''such rules and regulations as [the Assistant Secretary of Labor for Occupational Safety and Health] may deem necessary to carry out [his/her] responsibilities under this Act'' (29 U.S.C. 657(g)(2)).

Under several provisions of the OSH Act, employers may apply for four different types of variances from the requirements of OSHA standards. Employers submit variance applications voluntarily to OSHA, and the applications specify alternative means of complying with the requirements of OSHA standards. The four types of variances are temporary, experimental, permanent, and national-defense variances. OSHA promulgated rules implementing these statutory provisions in 29 CFR part 1905 (''Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions under the William-Steiger Occuptional Safety and Health Act of 1970''). The following paragraphs further describe each of these four types of variances.

Temporary variance.[1] This variance delays the date on which an employer must comply with requirements of a newly issued OSHA standard. The employer must submit the variance application to OSHA after OSHA issues the standard, but prior to the effective date of the standard. In the variance application, the employer must demonstrate an inability to comply with the standard by its effective date ''because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date.'' Employers also must establish that they are ''taking all available steps to safeguard [their] employees against the hazards covered by the standard,'' and that they have ''an effective program for coming into compliance with the standard as quickly as practicable.'' (29 U.S.C. 655(b)(6)(A)).

Experimental variance.[2] OSHA may grant this variance as an alternative to complying with the requirements of a standard whenever it determines that the variance ''is necessary to permit an employer to participate in an experiment . . . designed to demonstrate or validate new and improved techniques to protect the health or safety of employees.'' (29 U.S.C. 655(b)(6)(C)).

Permanent variance.[3] This variance authorizes employers (or groups of employers) to use alternative means of complying with the requirements of OSHA standards when the employers demonstrate, with a preponderance of evidence, that the proposed alternative protects employees at least as effectively as the requirements of the standards.

National defense variance.[4] Under this variance, OSHA, ''may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, or exceptions to and from'' the requirements of its standards that it ''find[s] are necessary and proper to avoid serious impairment of the national defense'' (29 U.S.C. 665). Such variances can be in effect no longer than six months without notifying the affected employees and affording them an opportunity for a hearing.

Additionally, OSHA developed optional stardardized variance application forms, and obtained the requried Office of Management and Budget (OMB) approval for the information collection requirement (control no. 1218–0265), in order to assist employers in meeting the paperwork requirements contained in these regulations. Further, in order to facilitate and simplify the completion of the complex variance applications and reduce the information collection burden on applicants, OSHA made the variance application forms and accompanying completion instructions, as well as variance application checklists, accessible from its ''How to Apply for a Variance'' Web page (*http://www.osha.gov/dts/otpca/variances/index.html*).

II. Denied Variance Applications

Generally, when receiving a variance application, OSHA conducts an administrative and technical review, which includes verifying an applicant completed the application fully and included required information and evaluating the effectiveness of the alternate safety measures proposed by the applicant. Part of OSHA's administrative variance application evaluation is to establish a docket for each case. OSHA then places the variance application and other related materials submitted by the applicant in the docket without revision. Initially, these materials are not made public.

Upon completion of the technical review, if OSHA determines to move forward with the grant of a variance, it develops and publishes a preliminary **Federal Register** notice (FRN) announcing the variance application, grant of an interim order (when such was requested by the applicant), and request for public comment. When the preliminary FRN is published, OSHA makes the case docket public and available online at the Federal eRulemaking Portal (*http://www.regulations.gov).*

Following publication of the preliminary FRN, interested parties may submit their comments and attachments electronically to the Federal eRulemaking Portal. OSHA monitors public comments received (if any), and at the expiration of the comment period reviews and analyzes them. Based on the review results, OSHA develops and publishes the final FRN granting or denying the variance.

If OSHA determines to not move forward with the grant of a variance, it does not publish the variance docket. A variance application may be denied for a variety of reasons upon completion of the technical review. Often these reasons stem from errors employers commit in completing their applications. Reviewing the variance application forms' completion

[1] See Section 6(b)(6)(A) of the OSH Act (29 U.S.C. 655) and 29 CFR 1905.10.

[2] See Section 6(b)(6)(C) of the OSH Act (29 U.S.C. 655).

[3] See Section 6(d) of the OSH Act (29 U.S.C. 655) and 29 CFR 1905.11.

[4] See Section 16 of the OSH Act (29 U.S.C. 665) and 29 CFR 1905.12.

instructions, the application checklists, and previously denied variance applications prior to completing a variance application will assist applicants in determining whether their applications are complete and appropriate, as well as to avoid common errors. The following are examples of common errors that lead to the denial of applications:

Denied—unresolved citation. An employer cannot use a variance application to avoid or resolve an existing citation while contesting the citation. If OSHA has issued a citation on the standard (or provision of the standard) for which an employer is seeking a variance, OSHA may deny the application or place it on hold until the parties resolve the citation (29 CFR 1905.5). Therefore, in order to avoid this type of error, a variance application should not contain a request for resolving a contested citation.

Denied—exemption requested. An application for a variance is a request for regulatory action proposing use of alternate means for protecting workers at least as effectively as the standards from which the applicant is seeking the variance. Therefore, in order to avoid this type of error, a variance application should not contain a request for an outright exemption or waiver that permits the applicant to avoid complying with the requirements of an applicable standard. Only national-defense variances may provide outright exemptions from OSHA standards (29 CFR 1905.12).

Denied—not as protective as standard. The technical review of the variance application found that it failed to demonstrate by a preponderance of evidence that the proposed alternate means of compliance protects workers at least as effectively as the protection afforded by the standard from which the applicant is seeking the variance (29 CFR 1905.11). Therefore, in order to avoid this type of error, a variance application should contain proposed alternate safety measures that are at least as effective as the protection afforded by the applicable standard.

Denied—standard or interpretation already exists. The applicant proposes use of alternate means that OSHA previously determined acceptable for use by issuing a letter of interpretation (LOI). Since use of the proposed alternate was allowed prior to the filing of the variance application, the application is unnecessary. The applicant may use the means of compliance in the manner determined acceptable and described by the LOI.

Denied—site located solely in State-Plan state.[5] When obtaining a variance for establishment(s) located solely in states that operate their own OSHA-approved occupational safety and health plans, employer(s) must follow the variance-application procedures specified by the State Plan(s) covering states in which they have establishment(s) named in the variance application(s) (29 CFR 1952). Therefore, in order to avoid this type of error, a variance application for establishment(s) located solely in State Plan states should be filed in the state(s) where the establishments are located.

Denied—application inappropriately requests product or product design approval. The variable working conditions at jobsites and the possible alteration or misapplication of an otherwise safe piece of equipment could easily create hazardous conditions beyond the control of the equipment manufacturer. Therefore, it is OSHA's policy not to approve or endorse products or product designs.[6] In order to avoid this type of error, a variance application should not contain a request for product or product design approval.

Denied—application inappropriately addresses proposed standard. The applicant is seeking a variance from a proposed standard that has not been published as a final rule and is subject to possible alteration and revision. A variance is an alternate means of compliance that is different from the means of compliance required by a specific (in effect) OSHA standard (29 CFR 1905.11). Therefore, in order to avoid this type of error, a variance application should not contain a request for a variance from a proposed standard that has not been published as a final rule.

Denied—application inappropriately addresses a ''performance'' standard or ''definition'' in a standard. The variance application did not propose use of alternate means of compliance from a standard that describes a specific method for meeting its safety requirements. Instead, the applicant is requesting a variance from a ''performance standard'' or ''definition'' that leaves ''open ended'' or ''unspecified'' the means and methods for meeting its safety requirements (29 CFR 1905.11). Therefore, in order to avoid this type of error, a variance application should not contain a request for a variance from a performance standard or definition in a standard.

Withdrawn—During the administrative and technical evaluations, OSHA will evaluate a variance application for appropriateness, completeness, and effectiveness. When an application fails to pass the administrative review, OSHA will inform the applicant regarding the application's defect(s). At that point, an applicant may choose to amend its application to fix its defect(s) or withdraw its application without prejudice. For example, an applicant may withdraw its application when it determines that: A variance is no longer necessary; its application is incomplete and the applicant chooses to stop pursuing the matter; or the applicant's work place is located solely in a state operating an OSHA-approved State Plan so that the application should have been submitted to the State Plan.

II. Denial of Multi-State Variance Applications

Under the provisions of Section 18 of the OSH Act of 1970 and 29 CFR 1952, states can develop and operate their own job safety and health programs. OSHA approves and monitors State Plans and provides up to 50 percent of an approved plans' operating costs. Currently, there are 22 states and territories operating complete State Plans (covering both the private sector and State and local government employees) and five states covering state and local government employees only. States with OSHA-approved State Plans may have additional requirements for variances. For more information on these requirements, as well as State Plan addresses, visit OSHA's State Plans Web page: (*http://www.osha.gov/dcsp/osp/index.html*).

Employers filing a variance application for multiple workplaces located in one or more states under Federal OSHA authority may submit their applications to Federal OSHA by meeting the requirements set forth in the OSH Act and the implementing regulations (29 CFR 1905). Employers filing a variance application for multiple workplaces located in one or more states exclusively under State Plan authority must submit their applications in that particular state or states. Note that State Plans vary in their applicability to public sector and private sector places of employment. For example, Virginia's plan does not cover private-sector maritime employers, while California's plan covers most private-sector maritime employer activities, except as specified by 29 CFR 1952.172. Employers should follow the variance-

[5] Section 18 of the OSH Act of 1970 encourages States to develop and operate their own job safety and health programs.

[6] See LOI dated December 30, 1983 @ *http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=19170.*

application procedures specified by the State Plan(s) for states in which they have an establishment named in the variance application.

Applicants with workplaces in one or more states under State Plan authority and at least one state under Federal OSHA authority may apply to Federal OSHA for a variance by meeting the requirements set forth in the OSH Act and the implementing regulations (29 CFR 1905 and 1952). When applicants perform work in a number of states that operate OSHA-approved safety and health programs, such states (and territories) have primary enforcement responsibility over the work performed within their borders. Under the provisions of 29 CFR 1952.9 (''Variance affecting multi-state employers'') and 29 CFR 1905.14(b)(3) (''Actions on applications''), a permanent variance or interim order granted, denied, modified, or revoked by the Agency becomes effective in State Plans as an authoritative interpretation of the applicants' compliance obligation when: (1) The variance request involves the same material facts for the places of employment; (2) the relevant state standards are the same as the Federal OSHA standards from which the applicants are seeking the variance; and (3) the State Plan does not object to the terms of the variance application.

III. Granting Public Access to Dockets of Denied Variance Applications

OSHA has denied a large number of variance applications since its inception in the early 1970s. As previously indicated in this notice, because OSHA denied these applications, initially they were not published in the **Federal Register** for public review.[7] However, in 2010, OSHA made public a sizable number of illustrative variance applications (approximately 200) that it denied during the period from 1995 through 2010. The dockets for these denied or withdrawn variance applications are accessible online at the Federal eRulemaking Portal (*http://www.regulations.gov*), as well as on OSHA's ''Denied and Withdrawn Variance Applications for 1995–2010'' Web page: (*http://www.osha.gov/dts/otpca/variances/denied_withdrawn95-10.html*).

OSHA made this information available to the public to enhance transparency concerning the variance process, to assist the public in understanding the variance process, and to reduce errors in applying for future variances. This action was consistent with the policy established by the Open Government Directive, M–10–06, issued by the Office of Management and Budget on December 8, 2009 (*http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf*).

OSHA decided to publish the dockets of the variance applications that the Agency denied during FY 2010–2014[8] on the Federal eRulemaking Portal and OSHA's ''Denied and Withdrawn Variance Applications for 1995–2014 Web page. These denied variance application dockets are presented in the table below:

Docket ID	Company name	Standard from which variance requested	Date of denial or withdrawal	State(s)	Reason denied or withdrawn
OSHA–2014–0020	Upland Industries, Inc., dba Elegius Bronze.	1910.215(a)(2) and 1910.215(a)(4).	9/8/2014	MO	Denied—unresolved citation.
OSHA–2014–0017	Bennett Construction, Inc.	1926.1419(a)(2)	8/19/2014	OK	Denied—not as protective as standard and exemption requested.
OSHA–2012–0049	Green Barn Farms.	1910.142(a)(2)	7/24/14	WI	Withdrawn—variance not necessary.
OSHA–2014–0008	ITW Food Equipment Group LLC; dba Hobart Service.	1910.23(c)(1) and 1926.501(b)(1).	6/11/2014	AK, AZ, CA, CT, HI, IA, IL, IN, KY, MD, MI, MN, NC, NJ, NM, NV, NY, OR, PR, SC, TN, UT, VA, VI, VT, WA, WY.	Denied—not as protective as standard and exemption requested.
OSHA–2014–0006	Ned Stevens	1910.23(c)(1)	5/6/2014	CT, IL, MA, MD, NC, NJ, NY, PA, SC, TX, VA.	Denied—unresolved citation.
OSHA–2014–0010	Southland Contracting.	1926.602(a)(9)(ii)	4/16/2014	HI	Withdrawn—site located solely in State Plan state.
OSHA–2014–0003	Johnstown Wire Technologies.	1910.1025(d)(6)(iii)	3/26/2014	NY	Denied—exemption requested.
OSHA–2014–0002	Puerto Rico Harbor Diving Services.	1919.410(c), 1910.424(c)(1), & 1910.424(c)(2).	3/27/2014	PR	Denied—exemption requested.
OSHA–2013–0001	Tonawanda Coke Corporation.	1910.1029(f)(3)(iii)(a)	8/22/2013	NY	Denied—not as protective as standard.
OSHA–2013–0014	McLean Contracting Co.	1926.1041(e)(10)	6/4/2013	DC, DE, MD, NC, SC, VA	Denied—not as protective as standard.
OSHA–2012–0056	Sunrise Senior Living, Inc.	1910.151(c)	4/10/2013	CO, CT, DC, DE, FL, GA, IL, KS, LA, MA, ME, MO, NE, NJ, NY, OH, PA, TX.	Denied—standard or interpretation already exists.
OSHA–2012–0053	Key Energy Services.	1910.23(c)(1)	1/4/2013	AK, AZ, CA, KY, MD, MI, NM, NC, TN, UT, VA, WY.	Denied—not as protective as standard.

[7] Sections 6(b), 6(d), and 16 of the OSH Act and 29 CFR 1905 set out the laws and regulations applicable to Variances. Whereas, these provisions require OSHA to announce variance applications and grants by publication in the **Federal Register**, no such provisions are in place for denied variance applications.

[8] Completed between the governmental fiscal years of October 1, 2010 and September 30, 2014.

Docket ID	Company name	Standard from which variance requested	Date of denial or withdrawal	State(s)	Reason denied or withdrawn
OSHA–2012–0052	U.S. Postal Service.	1910.333(a)(1) & 1910.333(a)(2).	12/19/2012	All Fed OSHA & State Plan states.	Denied—not as protective as standard.
OSHA–2012–0041	The Scotts Company, LLC.	1910.178(n)(4)	9/12/2012	AL, AZ, CA, CO, CN, FL, GA, IA, IL, IN, KY, LA, MI, MS, MO, OH, PA, SC, SD, TX, VA, WI.	Denied—standard or interpretation already exists.
OSHA–2012–0042	T & T Fertilizer	1910.27(d)(2)	7/13/2012	IN	Denied—site located solely in State Plan state.
OSHA–2012–0043	U.S. Pipe and Foundry Company.	1910.23(c)(1) & 1920.23(e)(1).	2/16/2012	AL	Denied—standard or interpretation already exists.
OSHA–2012–0044	GTECH Corp	1926.501(b)(1)	1/3/2012	AZ, CA, FL, GA, KS, KY, MI, MN, MO, NE, NJ, NY, NC, OR, RI, SD, TX, VA, WA, WV, WI.	Denied—not as protective as standard.
OSHA–2012–0045	Timothy Raymond.	1026.1400(a) & (b); 1926.1431(a) & (b); 1926.1431(h)(1) & (h)(2).	1/3/2012	All Fed OSHA & State Plan states.	Denied—application inappropriately addresses request for product design approval.
OSHA–2012–0046	Cedar Fair, LP	1910.28, 1910.29, & 1910.32.	12/2/2011	CA, MI, MN, MO, NC, OH, PA, VA.	Denied—application inappropriately addresses proposed standard.
OSHA–2012–0047	NSS Construction, Inc.	1926.602	10/27/2011	MI	Denied—site located solely in State Plan state.
OSHA–2012–0048	National Chimney and Stack, Inc.	1926.452(o) & 1926.552(c)	9/29/2011	All Fed OSHA & State Plan states.	Denied—standard or interpretation already exists.
OSHA–2012–0050	Industrial Access, Inc.	1926.452(o) & 1926.552(c)	8/4/2011	All Fed OSHA & State Plan states.	Denied—standard or interpretation already exists.
OSHA–2011–0093	Eagle Worker's Compensation Trust.	1904.3	4/28/2011	PA	Denied—not as protective as standard.
OSHA–2012–0051	SL Chase Welding and Fabricating, Inc.	1926.300(a)	12/8/2010	MA, NH, VT	Denied—not as protective as standard.

IV. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 655, Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR part 1905.

Signed at Washington, DC, on December 15, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–29826 Filed 12–19–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0016]

Nemko-CCL, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Nemko-CCL, Inc. for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before January 6, 2015.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2013–0016, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2013–0016). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before January 6, 2015 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Acting Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that Nemko-CCL, Inc. (CCL), is applying for expansion of its current recognition as an NRTL. CCL requests the addition of two test standards to its NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL, including CCL, which details the NRTL's scope of recognition. These pages are available from the OSHA Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CCL currently has one facility recognized by OSHA for product testing and certification, with its headquarters located at: 1940 West Alexander Street, Salt Lake City, Utah 84119–2039. A complete list of CCL's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/ccl.html.*

II. General Background on the Application

CCL submitted an application, dated June 30, 2014 (Exhibit 1), to expand its recognition to include two additional test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 below lists the appropriate test standards found in CCL's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN CCL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
ANSI/AAMI ES60601–1: 2005/(R)2012.	Medical electric equipment—Part 1: General requirements for basic safety and essential performance.
UL 60601—1	Medical Electrical Equipment—Part 1: General Requirements for Safety.

III. Preliminary Findings on the Application

CCL submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file, and pertinent documentation, indicate that CCL can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of these two test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of CCL's application.

OSHA welcomes public comment as to whether CCL meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2013–0016.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend to the Assistant Secretary for Occupational Safety and Health

whether to grant CCL's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of its final decision in the **Federal Register**.

IV. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on December 15, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–29823 Filed 12–19–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0026]

Curtis-Straus LLC: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to expand the scope of recognition for Curtis-Straus LLC as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on December 22, 2014.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Acting Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of Curtis-Straus LLC (CSL) as an NRTL. CSL's expansion covers the addition of one test standard to its scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by an NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CSL submitted an application, dated February 12, 2014 (OSHA–2009–0026–0023, Exhibit 14–1—CSL Expansion Application for AAMI ES 60601–1), to expand its recognition to include one additional test standard. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing CSL's expansion application in the **Federal Register** on August 29, 2014 (79 FR 51616). The Agency requested comments by September 15, 2014, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of CSL's scope of recognition.

To obtain or review copies of all public documents pertaining to CSL's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2009–0026 contains all materials in the record concerning CSL's recognition.

II. Final Decision and Order

OSHA staff examined CSL's expansion application, its capability to meet the requirements of the test standard, and other pertinent information. Based on its review of this evidence, OSHA finds that CSL meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant CSL's scope of recognition. OSHA limits the expansion of CSL's recognition to testing and certification of products for demonstration of conformance to the test standard listed in Table 1 below.

TABLE 1—APPROPRIATE TEST STANDARD FOR INCLUSION IN CSL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
AAMI ES60601–1	Medical electrical equipment—Part 1: General requirements for basic safety and essential performance.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, an NRTL's

scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, CSL must abide by the following conditions of the recognition:

1. CSL must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);

2. CSL must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CSL must continue to meet the requirements for recognition, including all previously published conditions on CSL's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of CSL, subject to the limitation and conditions specified above.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on December 15, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–29825 Filed 12–19–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0030]

International Association of Plumbing and Mechanical Officials EGS: Grant of Recognition as a Nationally Recognized Testing Laboratory

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to grant recognition to International Association of Plumbing and Mechanical Officials EGS as a Nationally Recognized Testing Laboratory (NRTL).

DATES: Recognition as an NRTL becomes effective on December 22, 2014.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Acting Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Background

Many of OSHA's workplace standards require that an NRTL test and certify certain types of equipment as safe for use in the workplace. NRTLs are independent laboratories that meet OSHA's requirements for performing safety testing and certification of products used in the workplace. To obtain and retain OSHA recognition, NRTLs must meet the requirements in the NRTL Program regulations at 29 CFR 1910.7. More specifically, to be recognized by OSHA, an organization must: (1) have the appropriate capability to test, evaluate, and approve products to assure their safe use in the workplace; (2) be completely independent of employers subject to the tested equipment requirements, and manufacturers and vendors of products for which OSHA requires certification; (3) have internal programs that ensure proper control of the testing and certification process; and (4) have effective reporting and complaint handling procedures. Recognition is an acknowledgement by OSHA that the NRTL has the capability to perform independent safety testing and certification of the specific products covered within the NRTL's scope of recognition, and is not a delegation or grant of government authority. Recognition of an NRTL by OSHA also allows employers to use products certified by that NRTL to meet those OSHA standards that require product testing and certification.

The Agency processes applications for initial recognition following requirements in Appendix A of 29 CFR 1910.7. This appendix requires OSHA to publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application, provides its preliminary finding, and solicits comments on its preliminary findings. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition.

II. Notice of Final Decision

OSHA hereby gives notice of the Agency's decision to grant recognition to International Association of Plumbing and Mechanical Officials EGS (IAPMO), as an NRTL. According to public information (see *http://www.iapmoegs.org/Pages/default.aspx*), IAPMO states that it performs independent testing and listing for the pool, spa and bathtub industries. In its application, IAPMO lists the current address of its headquarters as: IAPMO EGS, 5001 E. Philadelphia Street, Ontario, California 91761.

Each NRTL's scope of recognition has three elements: (1) The type of products the NRTL may test, with each type specified by its applicable test standard; (2) the recognized site(s) that have the technical capability to perform product-testing and product-certification activities for the applicable test standards within the NRTL's scope of recognition; and (3) the supplemental program(s) that the NRTL may use, each of which allows the NRTL to rely on other parties to perform activities necessary for testing and certification. IAPMO applied for initial recognition as an NRTL on April 7, 2009. In its application, IAPMO requested recognition for six test standards, one

site, and two supplemental programs (OSHA–2013–0030–0002, Exhibit 14–1—IAPMO Initial Application for Recognition). OSHA published the preliminary notice announcing IAPMO's application for recognition in the **Federal Register** on August 29, 2014 (79 FR 51618). The Agency requested comments by September 29, 2014.

OSHA received one anonymous comment in response to this notice (OSHA–2013–0030–0003). The comment (OSHA–2013–0030–0003) asked how OSHA ensures the applicant maintains its technical qualifications as well as the financial resources necessary to ensure only compliant products are certified. OSHA's NRTL regulations (29 CFR 1910.7(b)(1)) require OSHA to verify that the applicant ''has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs)'' to perform testing and certification activities. As part of the application process, OSHA reviewed IAPMO's procedures and conducted an on-site assessment of IAPMO's facility. OSHA determined that IAPMO had the necessary capabilities and resources to perform testing and certification activities. OSHA will conduct periodic on-site assessments, just as it does with all NRTLs, to ensure that IAPMO maintains the capability to perform testing and certification activities in accordance with OSHA NRTL regulations and policies.

To obtain or review copies of all public documents pertaining to IAPMO's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2013–0030 contains all materials in the record concerning IAPMO's recognition.

III. Final Decision and Order

OSHA staff performed a detailed analysis of IAPMO's application packet and reviewed other pertinent information. OSHA staff also performed a comprehensive on-site assessment of IAPMO's testing facilities on February 27–28, 2014. Based on its review of this evidence, OSHA finds that IAPMO meets the requirements of 29 CFR 1910.7 for recognition as an NRTL, subject to the limitations and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant recognition to IAPMO as an NRTL. The following sections set forth the scope of recognition included in IAPMO's grant of recognition.

A. Standards Requested for Recognition

OSHA limits IAPMO's scope of recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN IAPMO'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 778	Motor-Operated Water Pumps.
UL 1081	Swimming Pool Pumps, Filters, and Chlorinators.
UL 1431	Personal Hygiene and Health Care Appliances.
UL 1563	Electric Spas, Equipment Assemblies, and Associated Equipment.
UL 1795	Hydromassage Bathtubs.
UL 1951	Electric Plumbing Accessories.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

B. Sites Requested for Recognition

OSHA limits IAPMO's scope of recognition to include the site at IAPMO EGS, 5001 E. Philadelphia Street, Ontario, California 91761. OSHA's recognition of this site limits IAPMO to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for test standards in IAPMO's scope of recognition. This limitation is consistent with the recognition that OSHA grants to other NRTLs.

C. Supplemental Programs

OSHA limits IAPMO's scope of recognition to include the following supplemental programs:

Program 2: Acceptance of testing data from independent organizations, other than NRTLs.

Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents (for calibration services only).

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, IAPMO also must abide by the following conditions of the recognition:

1. IAPMO must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);

2. IAPMO must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. IAPMO must continue to meet the requirements for recognition, including all previously published conditions on IAPMO's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby grants recognition to IAPMO as an NRTL, subject to the limitations and conditions specified above.

IV. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on December 15, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–29827 Filed 12–19–14; 8:45 am]

BILLING CODE 4510–26–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 14–CRB–0010 CD (2013); [Docket No. 14–CRB–0011–SD (2013)]

Distribution of the 2013 Cable and Satellite Royalty Funds

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice requesting comments.

SUMMARY: The Copyright Royalty Judges are requesting comments regarding whether controversies exist among claimants to the 2013 cable and satellite television retransmission royalty funds about how the funds should be distributed.

DATES: Comments are due on or before January 21, 2015.

ADDRESSES: This notice is also posted on the agency's Web site (*www.loc.gov/crb*). Submit electronic comments online via email to *crb@loc.gov* or online at *http://www.regulations.gov.* Those who chose not to submit comments electronically should see How to Submit Comments in the Supplementary Information section below for physical addresses and further instructions.

FOR FURTHER INFORMATION CONTACT: Lakeshia Keys, CRB Program Specialist, by telephone at (202) 707–7658, or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: Each year cable systems and satellite carriers must submit royalty payments to the Register of Copyrights as required by the statutory licenses set forth in sections 111 and 119 of the Copyright Act for the retransmission to cable and satellite subscribers, respectively, of over-the-air television and radio broadcast signals. *See* 17 U.S.C. 111(d), 119(b). These royalties are then distributed to copyright owners whose works were included in a qualifying transmission and who timely filed claims for royalties. Allocation of the royalties collected occurs in one of two ways. In the first instance, these funds are distributed through a negotiated settlement among the parties. 17 U.S.C. 111(d)(4)(A), 119(b)(5)(A). If the claimants do not reach an agreement with respect to the royalties, the Copyright Royalty Judges (''Judges'') conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 111(d)(4)(B), 119(b)(5)(B).

The Judges seek comment on the existence and extent of any controversies regarding distribution of the 2013 cable and satellite royalty funds.

How To Submit Comments

Interested members of the public must submit comments to only one of the following addresses. If not commenting by email or online, commenters must submit an original of their comments, five paper copies, and an electronic version on a CD.

Email: crb@loc.gov; or

Online: http://www.regulations.gov; or

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE. and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

Electronic documents (including those submitted on CD together with paper copies) should conform to the Judges' Guidelines for Electronic Documents, available online at *www.loc.gov/crb/docs/Guidelinesfor_Electronic_Documents.pdf.*

Dated: December 9, 2014.

Suzanne Barnett,

Chief U.S. Copyright Royalty Judge.

[FR Doc. 2014–29795 Filed 12–19–14; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 14–CRB–0007–CD (2010–12) In re Distribution of 2010, 2011, 2012 Cable Royalty Funds; Docket No. 14–CRB–0008–SD (2010–12) In re Distribution of 2010, 2011, 2012 Satellite Royalty Funds]

Notice Announcing Commencement of Distribution Proceedings With Request for Petitions To Participate

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice announcing commencement of distribution proceedings with request for Petitions to Participate.

SUMMARY: The Copyright Royalty Judges (Judges) announce the commencement of proceedings to determine distribution of 2010, 2011, and 2012 royalties deposited with the Copyright Office under the cable service statutory license and the satellite carrier statutory license. The Judges also set the date by which all parties wishing to participate and share in the distribution of cable or satellite retransmission royalties for 2010 through 2012, inclusive, must file a Petition to Participate and pay the accompanying $150 filing fee. The Judges seek a single Petition to Participate in either or both Phase I and Phase II of the cable royalty proceeding and a separate Petition to Participate in either or both Phase I and Phase II of the satellite royalty proceeding. Any party that fails to file a Petition to Participate by the time set forth in this notice shall not be a participant at any stage of either proceeding.

DATES: Petitions to Participate and the filing fee are due on or before January 21, 2015.

ADDRESSES: This notice and request is also posted on the agency's Web site (*www.loc.gov/crb*) and on Regulations.gov (*www.regulations.gov*). Parties who plan to participate should see How to Submit Petitions to Participate in the Supplementary Information section below for physical addresses and further instructions.

FOR FURTHER INFORMATION CONTACT: Kimberly N. Whittle, CRB Attorney Advisor, by telephone at 202–707–7658; LaKeshia Keys, CRB Program Specialist, by telephone at (202) 707–7658; or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Twice each year, cable services and satellite carriers deposit with the Copyright Office royalties payable for the privilege of retransmitting over-the-air television and radio broadcast signals via cable and satellite. 17 U.S.C. 111, 119. The Copyright Royalty Judges (Judges) oversee distribution of the royalties to copyright owners whose works are included in the retransmissions and who have filed a timely claim for royalties. Pursuant to 17 U.S.C. 803(b)(1), the Judges hereby give notice of the commencement of proceedings for distribution of cable and satellite royalties deposited for broadcasts retransmitted in 2010 through 2012 and call for interested parties to file Petitions to Participate.

Any party wishing to receive royalties payable for 2010 through 2012 must file a Petition to Participate in each proceeding no later than January 21, 2015. If an interested party fails to file a Petition to Participate in response to this notice, that party will not be eligible for distribution of royalties for 2010 through 2012 from either the cable

or the satellite fund. The Judges will resolve all issues relating to distribution of cable and satellite royalty funds for 2010 through 2012 in these proceedings, Docket No. 14–CRB–0007–CD (2010–12) and Docket No. 14–CRB–0008–SD (2010–12). *See* 37 CFR 351.1(b)(2).

Commencement of Distribution Proceedings

The Judges have determined that controversies exist with regard to distribution of the cable and satellite retransmission royalties that licensees deposited for 2010, 2011, and 2012. Therefore, pursuant to Section 804(b)(8) of the Copyright Act, the Judges are causing this notice to be published in the **Federal Register** to announce the commencement of Phase I cable and satellite distribution proceedings for the years 2010, 2011, and 2012.

The Judges base their conclusion regarding 2010–11 cable funds controversies upon information provided by certain interested parties in their joint Motion to Initiate Proceedings. *See* Motion to Initiate a Phase I Proceeding for the Distribution of the 2010 and 2011 Cable Royalty Funds, Docket Nos. 2012–4 CRB CD 2010 and 2012–9 CRB CD 2011 (January 18, 2013). Specifically, groups of claimants to the royalty funds, acting together and represented by joint counsel, have made an effort to negotiate a distribution scheme agreeable to all claimants. Unable to reach an agreement, the claimants notified the Judges of the existence of controversies and stated their belief that ''a hearing will be necessary to resolve this controversy.'' *Id.* at 2.

The Judges base their conclusion regarding 2010–11 satellite funds controversies upon comments from parties. *See, e.g., Comments of Phase I Parties,* Docket No. 2012–5 CRB SD 2010 (September 5, 2012) (responding to Notice Requesting Comments regarding partial distribution, 77 FR 46526 (August 3, 2012)); *Comments of Phase I Parties,* Docket No. 2012–9 CRB SD 2011 (February 21, 2013) (responding to Notice Requesting Comments regarding partial distribution, 78 FR 4168 (January 18, 2013).

The Judges base their conclusion regarding 2012 cable and satellite royalty funds controversies upon the parties' motions for partial distribution and comments from parties regarding controversies.[1] *See,* in Docket Nos. 14–CR–0007–CD (2010–12) and 14–CR–0008 SD (2010–12), *Motion of Phase I Claimants for Partial Distribution* (July 25, 2014) and *Comments of Phase I Parties* (October 2014), (responding to *Notice requesting comments,* 79 FR 59306 (October 1, 2014)) (including comments from the parties to the July 25 motions reiterating the existence of their claims to the 2012 cable and satellite funds and of controversies potentially in need of adjudication).

In the present proceedings, groups of claimants have identified themselves as arranged into program categories: Program Suppliers, Joint Sports Claimants, Public Television Claimants/ Public Broadcasting Service, Commercial Television Claimants/ National Association of Broadcasters, Devotional Claimants, Canadian Claimants, American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), SESAC, Inc., and National Public Radio. The Judges recognize that other claimants might not be represented by joint counsel for the groups of claimants that seek to initiate this proceeding. The Judges, therefore, provide this public notice to alert anyone who claims an interest in cable or satellite retransmission royalties deposited for royalty years 2010 through 2012, inclusive.

In order to share in the royalties at issue, any claimant not joined in one of the groups identified above must file a Petition to Participate, individually or jointly with other claimants. If, at a later point in the proceedings, a claimant chooses to join a group participating through joint counsel, that claimant may withdraw its individual Petition to Participate. The prerequisites to participation in a distribution proceeding are (1) the filing (individually or jointly) of a valid claim for each royalty year at issue and (2) the filing (individually or jointly) of a valid Petition to Participate.

Only attorneys who are members in good standing of the bar of one or more states may represent parties before the Judges. All corporate parties must appear through counsel. Only if the petitioning party is an individual, may he or she represent himself or herself without legal counsel. 37 CFR 350.2.

The Judges previously assigned separate docket numbers to the cable and satellite distribution proceedings for the period 2010 through 2012. Upon receipt of all Petitions to Participate, the Judges anticipate consolidating all cable proceedings for the years 2010 through 2012 under the captioned docket number 14–CRB–0007–CD (2010–12) and all satellite proceedings for the years 2010 through 2012 under the captioned docket number 14–CRB–0008–SD (2010–12).

Petitions To Participate

Parties filing Petitions to Participate must comply with the requirements of section 351.1(b) of the Copyright Royalty Board's regulations. In addition, each Petition to Participate must set forth for each claim year, the name of each claimant, the corresponding claim number, an indication of whether the claim is an individual or joint claim, and the program category into which the claim may fall. Each Petition to Participate shall be accompanied by a Microsoft Excel spreadsheet in electronic form consisting of the following columns: Claimant; Claim Year; Claim Number; Claim Type; Phase I Category. For ''Claim Type,'' participants shall enter ''I'' for an individual claimant, ''J'' for a joint claimant, and ''W'' for a claimant listed within a joint claim. The information in the column for ''Claim Category'' shall be coded 1 for syndicated programming and movies, 2 for live college and professional team sports, 3 for programs produced by local commercial television stations, 4 for public broadcasting, 5 for programs of a religious or devotional character, 6 for Canadian programs retransmitted within the United States, 7 for musical works carried on broadcast television signals, and 8 for National Public Radio (all non-music content broadcast on NPR stations). Claimants' characterization of their claims at this juncture is for ease of administration only and is not dispositive of the ultimate disposition of any claim or the final composition of any Phase I claimant category.

Petitioners who seek to categorize any claim in a category not listed in the previous paragraph shall assign a number (starting with 9) to each new category, and shall include a brief description of each new proposed category. Claimants, or claimant representatives, that have filed claims in multiple years shall list the claims in separate rows for each year. Claimants, or claimant representatives, that will seek royalties in multiple claim categories shall list each claim in a separate row for each separate claim category. Similarly, claimants, or claimant representatives, that assert multiple claims in a given claim year shall list each claim and claim number in a separate row. Petitioners are responsible for making a sufficient showing of a ''significant interest'' in the royalty funds at issue.

Claimants whose claims do not exceed $1,000 in value and who include a statement in their Petitions to Participate that they will not seek distribution of more than $1,000 may

[1] The Judges have the issue of partial distribution under advisement and will issue a separate order.

file the Petition to Participate without payment of the filing fee. The Judges will reject any Petition to Participate that is not accompanied by either the statement of limitation described in the preceding sentence or the $150 filing fee. The Judges will not accept cash payment. Parties must pay the filing fee with a check or money order payable to the ''Copyright Royalty Board.'' The Judges will dismiss any Petition to Participate that is accompanied by a check returned for lack of sufficient funds.

How To Submit Petitions To Participate

Any party wishing to participate and share in the distribution of cable or satellite royalty funds for 2010 through 2012 shall submit to the Copyright Royalty Board the filing fee (US $150), if required, an original Petition to Participate, five paper copies, and an electronic copy in Portable Document Format (PDF) that contains searchable, accessible text (not an image) on a CD or other portable memory device to only one of the following addresses.

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE., and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

Participants should conform filed electronic documents to the Judges' Guidelines for Electronic Documents, available online at *www.loc.gov/crb/docs/Guidelinesfor_Electronic_Documents.pdf.*

Dated: December 9, 2014.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2014–29794 Filed 12–19–14; 8:45 am]

BILLING CODE 1410–72–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–016]

Agency Information Collection Activities: Proposed Collection; Cancellation

AGENCY: National Archives and Records Administration (NARA).

ACTION: Cancellation of notice.

SUMMARY: On December 4, 2014, NARA published a notice (79 FR 72033) that the agency was proposing to reinstate the information collection National Historical Publications and Records Commission (NHPRC) Grant Program, Budget Form and Instructions (OMB number 3095–0013, agency form number NA Form 17001), which NHPRC uses in its grant program. NARA invited the public to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995. However, NARA is now cancelling that notice and request for comment, due to errors. NARA will publish a new, corrected notice and request for comments within the week.

DATES: This cancellation is effective immediately upon publication in the **Federal Register**.

ADDRESSES: Paperwork Reduction Act Comments (ISSD), Room 4400, National Archives and Records Administration, 8601 Adelphi Rd., College Park, MD 20740–6001; or faxed to 301–713–7409; or electronically mailed to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Tamee Fechhelm at telephone number 301–837–1694, or fax number 301–713–7409.

Dated: December 16, 2014.

Penny Ha,

Acting Executive for Information Services/CIO.

[FR Doc. 2014–29854 Filed 12–19–14; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Privacy Act; System of Records

AGENCY: National Science Foundation.

ACTION: Notice of amendment to five existing systems of records and the standard routine uses.

SUMMARY: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the National Science Foundation (NSF) is providing public notice of revisions to the text of five existing systems of records: NSF–12, Fellowships and Other Awards; NSF–50: Principal Investigator/Proposal File and Associated Records; NSF–51, Reviewer/Proposal File and Associated Records; NSF–54, Reviewer/Fellowships and Other Awards File and Associated Records; and NSF–64, Project Participant File. In addition, NSF is amending its standard routine uses for all NSF systems of records.

DATES: This action will be effective without further notice on February 2, 2015 unless modified by a subsequent notice to incorporate comments received from the public.

ADDRESSES: You may submit comments, identified by [docket number and/or RIN number ____], by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Sandra Evans, Privacy Officer, Office of the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, VA 22230. NSF will post all comments on the NSF's internet Web site (*http://www.nsf.gov/policies/foia.jsp*) All comments submitted in response to this Notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available. For detailed instructions on submitting comments, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Privacy Officer, Office of General Counsel, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, VA 22230, or by telephone at 703–292–8060.

SUPPLEMENTARY INFORMATION:

I. Background

The NSF maintains the ''Fellowships and Other Awards''; ''Principal Investigator/Proposal File and Associated Records''; ''Reviewer/Proposal File and Associated Records''; ''Reviewer/Fellowship and Other Awards File and Associated Records''; and ''Project Participant File.'' These changes more adequately describe the systems and update the routine uses. All revised system notices are reprinted in their entirety.

NSF is also amending its standard routine uses for all NSF systems of records. The changes made to the standard routine uses now proposed will bring the total number of standard routine use to eleven. Most of the eleven standard routine uses previously existed as routine uses within each individual NSF SORN.

NSF–12 contains records on fellowship applicants; nominees for

fellowships by an institution on behalf of the nominee; and nominees for other specific individual awards. Fellowship awards are usually administered by the applicant or the nominee's home institution. An amendment to this system notice was last published in the **Federal Register** on August 20, 2007, effective on September 30, 2007, 72 FR 46520–46521.

NSF–50 contains records on research and other proposals jointly submitted by individual applicants (principal investigators) and their home academic or other institutions. NSF–50 includes submitted proposals, review materials, and when an award is made, records concerning the administration of the award, and awardee project reports submitted to NSF. An amendment to this system notice was last published in the **Federal Register** on August 20, 2007, effective on September 30, 2007, 72 FR 46520–46521.

NSF–51 is a subsystem of NSF–50 and contains information about those who review proposals for NSF including the reviewer's name, proposal title and its identifying number, and other related material. The system enables program offices to reference specific reviewers and maintain appropriate files for use in evaluating applications for grants or other support. An amendment to this system notice was last published in the **Federal Register** on August 20, 2007, effective on September 30, 2007, 72 FR 46520–46521.

NSF–54 contains similar records about reviewers of applications as the system of records for ''Fellowships and Other Awards'' (NSF–12). An amendment to this system notice was last published in the **Federal Register** on August 20, 2007, effective on September 30, 2007, 72 FR 46520–46521.

NSF–64, Project Participant File, contains information on certain participants who work on NSF-funded projects, other than principal investigators or project directors covered by NSF–50. An amendment to this system notice was last published in the **Federal Register** on August 20, 2007, effective on September 30, 2007, 72 FR 46520–46521.

The amendments to these systems will be effective as proposed at the end of the comment period (February 2, 2015), unless modified by a subsequent notice to incorporate comments received from the public.

II. Privacy Act

The Privacy Act of 1974, as amended (5 U.S.C. 552a), embodies fair information practice principles in a statutory framework governing the means by which Federal Agencies collect, maintain, use, and disseminate individual's personal information. A ''system of records'' is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident. As a matter of policy, NSF extends administrative Privacy Act protections to all individuals. Individuals may request access to their own records that are maintained in a system of records in the possession or control of NSF by complying with NSF Privacy Act regulations, 45 CFR part 613.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses of their records, and to assist individuals to find such records within the agency. Below are descriptions of the following NSF systems: NSF–12, Fellowships and Other Awards; NSF–50: Principal Investigator/Proposal File and Associated Records; NSF–51, Reviewer/Proposal File and Associated Records; NSF–54, Reviewer/Fellowships and Other Awards File and Associated Records; and NSF–64, Project Participant File.

In accordance with 5 U.S.C. 552a(r), NSF has provided a report of this system of records to the Office of Management and Budget; the Chairman, Senate Committee on Governmental Affairs; and the Chairman, House Committee on Government Reform and Oversight.

III. Public Participation

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.

Dated: December 16, 2014.

Sandra Evans,

Privacy Act Officer, National Science Foundation.

Privacy Act Systems—Standard Routine Uses—National Science Foundation

The following standard routine uses apply, subject to the Privacy Act of 1974, except where otherwise noted, to each system of records maintained by the National Science Foundation:

1. *Members of Congress.* Information from a system may be disclosed to congressional offices in response to inquiries from the congressional offices made at the request of the individual to whom the record pertains.

2. *Freedom of Information Act/Privacy Act Compliance.* Information from a system may be disclosed to the Department of Justice or the Office of Management and Budget in order to obtain advice regarding NSF's obligations under the Freedom of Information Act and the Privacy Act.

3. *Counsel.* Information from a system may be disclosed to NSF's legal representatives, including the Department of Justice and other outside counsel, where the agency is a party in litigation or has an interest in litigation, including when any of the following is a party to litigation or has an interest in such litigation: (a) NSF, or any component thereof; (b) any NSF employee in his or her official capacity; (c) any NSF employee in his or her individual capacity, where the Department of Justice has agreed to, or is considering a request to, represent the employee; Or (d) the United States, where NSF determines that litigation is likely to affect the agency or any of its components.

4. *National Archives, General Services Administration.* Information from a system may be disclosed to representatives of the General Services Administration and the National Archives and Records Administration (NARA) during the course of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

5. *Response to an Actual or Suspected Compromise or Breach of Personally Identifiable Information.* Information from a system may be disclosed to appropriate agencies, entities, and persons when (a) NSF suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) NSF has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by NSF or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist with NSF's efforts to respond to the suspected or confirmed compromise

and prevent, minimize, or remedy such harm.

6. *Courts.* Information from a system may be disclosed to the Department of Justice or other agencies in the event of a pending court or formal administrative proceeding, when records are relevant to that proceeding, for the purpose of representing the government, or in the course of presenting evidence, or they may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

7. *Contractors.* Information from a system may be disclosed to contractors, agents, experts, consultants, or others performing work on a contract, service, cooperative agreement, job, or other activity for NSF and who have a need to access the information in the performance of their duties or activities for NSF.

8. *Audit.* Information from a system may be disclosed to government agencies and other entities authorized to perform audits, including financial and other audits, of the agency and its activities.

9. *Law Enforcement.* Information from a system may be disclosed to appropriate Federal, State, or local agencies responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, to disclose pertinent information when NSF becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

10. *Disclosure When Requesting Information.* Information from a system may be disclosed to Federal, State, or local agencies which maintain civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

11. *To the news media and the public when:* (1) A matter has become public knowledge, (2) the NSF Office of the Director determines that disclosure is necessary to preserve confidence in the integrity of NSF or is necessary to demonstrate the accountability of NSF's officers, employees, or individuals covered by this system, or (3) the Office of the Director determines that there exists a legitimate public interest in the disclosure of the information, except to the extent that the Office of the Director determines in any of these situations that disclosure of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

NSF–12

SYSTEM NAME:

Fellowships and Other Awards.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

NSF headquarters, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals applying or nominated for and/or receiving NSF support, either individually or through an academic institution, including fellowships or other awards to individuals of various types.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information varies depending on the type of fellowship or award. Information may include personal information supplied with the application or nomination; reference reports; transcripts and Graduate Record Examination scores to the extent required during the application process; abstracts; evaluations and recommendations; review records and selection process results; administrative data and any correspondence accumulating during fellows' tenure; demographic information if voluntarily provided by the individual; and other related materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 3915; 44 U.S.0 3101; and 42 U.S.C. 1869, 1870, 1880, 1881a.

PURPOSE(S):

To maintain appropriate files and data to evaluate applications or nominations for fellowships or other awards, to make decisions regarding which proposals to fund or awards to make, to administer awards, and to carry out other authorized internal duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NSF standard routine uses apply. In addition, information may be disclosed to:

(1) Qualified reviewers for their opinion and evaluation of applicants or nominees (and their proposals, where applicable) as part of the NSF application review process; and to other Government agencies or other entities needing information regarding applicants or nominees as part of a joint application review process, or in order to coordinate programs or policy.

(2) Individual or institutional applicants, nominees and grantee institutions to provide or obtain data as part of the application review process, award decisions, or administering awards.

(3) Other entities when merging records with other computer files to carry out statistical studies for or otherwise assist NSF with program management, evaluation, or reporting. Disclosure may be made for this purpose to NSF contractors and collaborating researchers, and other Government agencies and qualified research institutions and their staffs. Disclosures are made only after scrutiny of research protocols and with appropriate controls. The results of such studies are statistical in nature and do not identify individuals.

(4) Contractors, grantees, volunteers, experts, consultants, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, advisory committee, committee of visitors, or other arrangement with or for the Federal government, as necessary to carry out their assigned duties. The contractors are subject to the provisions of the Privacy Act.

(5) The applicant, nominating, or grantee institution, or an institution the applicant, nominee, or fellow or awardee is attending or planning to attend or employed by, may be given information (such as name, field of study, and other information directly relating to the fellowship, review status including the agency's decision, year of first award, tenure pattern, start time, whether receiving international travel allowance or a mentoring assistantship), for purposes of facilitating review or award decisions or administering fellowships or awards. Notice of the agency's decision may be given to nominators and home institutions.

(6) In the case of fellows or awardees receiving stipends directly from the Government, to the Department of Treasury for preparation of checks or electronic fund transfer authorizations.

(7) Fellows' or awardees' name, baccalaureate institution, current institution, and field of study may be released for public information/affairs purposes including press releases.

(8) In the case of Presidential awards administered by NSF, including the National Medal of Science, the Presidential Early Career Awards to Scientists and Engineers, and the Presidential Awards for Teaching and Mentoring, disclosure may be made to personnel in the Office of the President for further review, processing, and selection of awardees.

(9) In the case of the Presidential Award for Excellence in Science,

Mathematics and Engineering Mentoring, the contact information of the awardees, including name, baccalaureate institution, current institution, field of study, personal address, personal phone number, and personal email address may be released to the awardees' United States congressional representatives, or congressional representatives' staff members, for the purpose of allowing congressional representatives to contact the awardee to issue letters of congratulations or otherwise communicate regarding the award.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and/or on electronic digital media.

RETRIEVABILITY:

Records are retrieved by an applicant or nominee's name or identification number.

SAFEGUARDS:

Records are protected by administrative, technical, and physical safeguards administered by NSF.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with National Archives and Records Administration (NARA)-approved record schedules. For example, fellowship application files for awardees are kept for ten years after completion of fellowship or award, then destroyed, while unsuccessful fellowship application files are destroyed after three years; files of recipients of the Vannevar Bush Award are permanent and eventually retired to the National Archives, while those of non-recipients are destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director or designee of particular office or program maintaining such records, NSF headquarters, Virginia.

NOTIFICATION PROCEDURE:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

RECORD ACCESS PROCEDURES:

Follow the Requesting Access to Records procedures found at 45 CFR part 613. You can expedite your request if you identify the fellowship or award program about which you are interested. For example, indicate whether you applied for or received a ''Graduate Fellowship'' as opposed to merely saying you want a copy of your fellowship records.

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613.

RECORD SOURCE CATEGORIES:

Individuals applying or nominated for, or receiving support; references; review records; and administrative data developed during selection process and award tenure.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The portions of this system consisting of data that would identify references, reviewers, or other persons supplying evaluations of applicants or nominees for fellowships or other awards (and where applicable, their proposals) have been exempted at 45 CFR 613.5 pursuant to 5 U.S.C. 552a(k)(5).

NSF–50

SYSTEM NAME:

Principal Investigator/Proposal File and Associated Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

NSF headquarters, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (known as principal investigators) who have requested and/or received research or other support from NSF, either independently or through an academic or other institution.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Proposal Data—Names and addresses of principal investigators (PIs); NSF-assigned non-sensitive identification numbers; PI demographic data, if voluntarily provided; proposals and supporting data from applicants, either individuals or institutions; and financial data.

(2) Review Data—Evaluations from peer reviewers, including reviews and/or panel discussion summaries as applicable or other related material.

(3) Post-Award Data for Awards—Project reports on results of projects funded by NSF which may include major research activities and findings; research training; educational and outreach activities; and products such as citations to publications produced, contributions resulting from the research, and other related material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 1870; 44 U.S.C. 3101.

PURPOSE(S):

(1) To evaluate proposals for NSF-funded projects using data generated as part of the NSF merit review process.

(2) To identify and contact scientists, engineers, or educators, who may be interested in applying for support, in attending a scientific or similar meeting, in applying for a position, or in taking advantage of some similar opportunity or who may be interested in serving as reviewers in the peer review system or for inclusion on a panel or advisory committee. Information from this system for this purpose may be entered in NSF System 51, ''Reviewer/Proposal File and Associated Records,'' to be used as a source of potential candidates to serve as reviewers as part of the NSF merit review process, or for inclusion on a review panel or advisory committee.

(3) To evaluate progress and results of NSF-funded projects for program management, evaluation or reporting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NSF standard routine uses apply. In addition, information may be disclosed to:

(1) Qualified reviewers for their opinion and evaluation of applicants and their proposals as part of the NSF application review process; and to other Government agencies or other entities needing information regarding applicants or nominees as part of a joint application review process, or in order to coordinate programs or policy.

(2) Individual or institutional applicants and grantee institutions to provide or obtain data as part of the application review process, award decisions, or administering grant awards.

(3) Other entities when merging records with other computer files to carry out statistical studies for or otherwise assist NSF with program management, evaluation, or reporting. Disclosure may be made for this purpose to NSF contractors and collaborating researchers, and other government agencies and qualified research institutions and their staffs. Disclosures are made only after scrutiny of research protocols and with appropriate controls. The results of such studies are statistical in nature and do not identify individuals.

(4) Contractors, grantees, volunteers, experts, consultants, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, advisory committee, committee of visitors, or other arrangement with or for the Federal government, as necessary to carry out their duties in pursuit of the purposes described above. The contractors are subject to the provisions of the Privacy Act.

(5) The name, home institution, field of study, city, state and zip code of PIs whose proposals are selected for funding by NSF may be released for public information/affairs purposes including press releases.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and/or on electronic digital media.

RETRIEVABILITY:

Records are retrieved by a PI's name or identification number, or by proposal number.

SAFEGUARDS:

Records are protected by administrative, technical, and physical safeguards administered by NSF.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with NARA approved record schedules. Awarded proposals are permanent records and are transferred to NARA in accordance with the approved record schedule. Declined or withdrawn paper proposals (submitted prior to the eJacket system) are destroyed five years after close of year in which declined or withdrawn. Declined electronic proposals (submitted through eJacket) are retained in electronic archive on site at NSF for ten years after close of year in which declined or withdrawn. Electronic files are destroyed at the end of the ten year retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Director/Head or designee of particular Division or Office maintaining such records, NSF headquarters, Virginia.

NOTIFICATION PROCEDURE:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

RECORD ACCESS PROCEDURES:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613.

RECORD SOURCE CATEGORIES:

Record sources are PIs, academic or other applicant institutions involved, proposal reviewers, and NSF program officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The portions of this system consisting of data that would identify reviewers or other persons supplying evaluations of NSF proposals have been exempted at 45 CFR part 613.5, pursuant to 5 U.S.C. 552a(k)(5).

NSF–51

SYSTEM NAME:

Reviewer/Proposal File and Associated Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Science Foundation Headquarters, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reviewers who evaluate proposals submitted to the Foundation, either by submitting individual comments, or by serving on review panels or site visit teams, or both.

CATEGORIES OF RECORDS IN THE SYSTEM:

The ''Reviewer/Proposal File and Associated Records'' system is a subsystem of the ''Principal Investigator/Proposal File and Associated Records'' system (NSF–50), and contains the reviewer's name, title of proposal(s) reviewed and identifying number, and other related material. Information supplied by reviewers or potential reviewers includes their affiliation, contact information, educational degrees and possibly other background information about the reviewer, and reviewer demographic information, if voluntarily provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 1870; 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

The system enables program offices to reference specific reviewers and maintain appropriate files for use in evaluating applications for grants or other support. NSF employees may access the system to help select reviewers as part of the merit review process, and to carry out other authorized duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NSF standard routine uses apply. In addition, information may be disclosed to:

(1) Qualified reviewers (the names of other reviewers and related review material only) as part of the NSF application review process.

(2) Other Government agencies or other entities as part of a joint application review process, or in order to coordinate programs or policy.

(3) Federal government agencies needing names of potential reviewers and specialists in particular fields.

(4) Other entities when merging records with other computer files to carry out statistical studies for or otherwise assist NSF with program management, evaluation, or reporting. Disclosure may be made for this purpose to NSF contractors and collaborating researchers, and other government agencies and qualified research institutions and their staffs. Disclosures are made only after scrutiny of research protocols and with appropriate controls. The results of such studies are statistical in nature and do not identify individuals.

(5) Contractors, grantees, volunteers, experts, consultants, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, advisory committee, committee of visitors, or other arrangement with or for the Federal government, as necessary to carry out their duties in pursuit of the purposes described above. The contractors are subject to the provisions of the Privacy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and/or on electronic digital media.

RETRIEVABILITY:

Records are retrieved by a reviewer's name or identification number, if any.

SAFEGUARDS:

Records are protected by administrative, technical, and physical safeguards administered by NSF.

RETENTION AND DISPOSAL:

Reviewer records are cumulative and maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director/Head or designee of particular Division or Office maintaining such records, NSF headquarters, Virginia.

NOTIFICATION PROCEDURE:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

RECORD ACCESS PROCEDURES:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual reviewers, suggestions from other reviewers, the ''Principal Investigator/proposal File'' (NSF–5O), other applicants for NSF funding or other members of the research community, public sources, and from NSF program officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The portions of this system consisting of data that would identify reviewers or other persons supplying evaluations of NSF proposals have been exempted at 45 CFR part 613.5, pursuant to 5 U.S.C. 552a(k)(5).

NSF–54

SYSTEM NAME:

Reviewer/Fellowships and Other Awards File and Associated Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

NSF headquarters, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reviewers who evaluate Foundation fellowships or other applications or nominations, either by submitting individual comments and/or serving on review panels.

CATEGORIES OF RECORDS IN THE SYSTEM:

The ''Reviewer/Fellowships, and Other Awards File and Associated Records'' system is a subsystem of the ''Fellowships and Other Awards'' system (NSF–12), and contains the reviewer's name, nominee or applicant's name and identifying number, if any, and other related material. Information supplied by reviewers or potential reviewers includes their affiliation, contact information, educational degrees, research experiences and demographic information if voluntarily provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 3915, 42 U.S.C. 1869, 1870, 1880, 1881a, and 44 U.S.C. 3101.

PURPOSE(S):

To reference specific reviewers and maintain appropriate files for use in evaluating applications for fellowships, awards and other support; to help select reviewers as part of the merit review process and to carry out other authorized internal duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NSF standard routine uses apply. In addition, information may be disclosed to:

(1) Qualified reviewers (the names of other reviewers and related review material only) as part of the NSF application review process.

(2) Other Government agencies or other entities as part of a joint application review process, or in order to coordinate programs or policy.

(3) Federal government agencies needing names of potential reviewers and specialists in particular fields.

(4) Other entities when merging records with other computer files to carry out statistical studies for or otherwise assist NSF with program management, evaluation, or reporting. Disclosure may be made for this purpose to NSF contractors and collaborating researchers, and other government agencies and qualified research institutions and their staffs. Disclosures are made only after scrutiny of research protocols and with appropriate controls. The results of such studies are statistical in nature and do not identify individuals.

(5) Contractors, grantees, volunteers, experts, consultants, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, advisory committee, committee of visitors, or other arrangement with or for the Federal government, as necessary to carry out their duties. The contractors are subject to the provisions of the Privacy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and/or on electronic digital media.

RETRIEVABILITY:

Records are retrieved by a reviewer's name or identification number, if any.

SAFEGUARDS:

Records are protected by administrative, technical, and physical safeguards administered by NSF.

RETENTION AND DISPOSAL:

Files are cumulative and maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director or designee of the particular office or program maintaining such records at NSF headquarters, Virginia.

NOTIFICATION PROCEDURE:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

RECORD ACCESS PROCEDURES:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual reviewers, suggestions from other reviewers, the ''Principal Investigator/Proposal File'' (NSF–50), the ''Reviewer/Proposal File and Associated Records'' (NSF–51) and the ''Fellowships and Other Awards'' (NSF–12), applicants for NSF funding or other members of the research community, public sources, and from NSF program officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The portions of this system consisting of investigatory material that would identify references, reviewers, or other persons supplying evaluations of applicants or nominees for fellowships or other awards (and where applicable, their proposals) have been exempted at 45 CFR 613.5 pursuant to 5 U.S.C. 552a(k)(5).

NSF–64

SYSTEM NAME:

Project Participant File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

NSF headquarters, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual participants who do work under NSF-supported projects and meet specified criteria, other than PIs or project directors. Includes, for example, other investigators, post-doctoral associates, graduate and undergraduate assistants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information gathered primarily through reporting on funded projects about those who are supported by NSF awards or otherwise involved in projects supported by NSF awards. The information is electronic and retrievable by name of individual project participant. The information includes: Name; demographic information, if voluntarily provided; project worked on; involvement in project; level of

effort; and whether financially supported by NSF.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 1870 and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

Supplements other information gathered via project reporting on projects funded by NSF. The primary purpose is to enable NSF to identify outcomes of projects funded under NSF awards for management, evaluation, and for reporting. Information on participants will normally be aggregated, usually statistically, to identify outcomes of NSF programs. On occasion non-sensitive information might be used to identify persons who have achieved distinction in science, engineering, education, or the like (for example, by award of a prize) as beneficiaries of NSF support.

The information in the system may also be used secondarily for compatible purposes including to:

(1) Identify scientists, engineers, or educators who may be interested in applying for support, in attending a scientific or similar meeting, in applying for a position, or in taking advantage of some similar opportunity;

(2) Identify possible candidates to serve as reviewers in the peer review system or for inclusion on a panel or advisory committee (information from this system may be entered in the NSF's reviewer databases, NSF–51 and NSF–54, for this purpose).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NSF standard routine uses apply. In addition, information may be disclosed to:

(1) A government agency so that it can identify and contact persons who might be interested in a scientific, technical, or educational program, meeting, vacancy, or similar opportunity.

(2) Other government agencies or other entities as part of a joint application review process, or in order to coordinate programs or policy.

(3) Other entities when merging records with other computer files to carry out statistical studies for or otherwise assist NSF with program management, evaluation, or reporting. Disclosure may be made for this purpose to NSF contractors and collaborating researchers, and other government agencies and qualified research institutions and their staffs. Disclosures are made only after scrutiny of research protocols and with appropriate controls. The results of such studies are statistical in nature and do not identify individuals.

(4) Contractors, grantees, volunteers, experts, consultants, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, advisory committee, committee of visitors, or other arrangement with or for the Federal government, as necessary to carry out their duties in pursuit of the purposes described above. The contractors are subject to the provisions of the Privacy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on electronic digital media.

RETRIEVABILITY:

Records are retrieved by a participant's name.

SAFEGUARDS:

Records are protected by administrative, technical, and physical safeguards administered by NSF.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with NARA approved record schedules. Participant records follow the records retention schedule for awarded proposals. See SORN NSF–50.

SYSTEM MANAGER(S) AND ADDRESS:

Director/Head or designee of the particular Division or Office maintaining such records at NSF headquarters, Virginia.

NOTIFICATION PROCEDURE:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

RECORD ACCESS PROCEDURES:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613.

RECORD SOURCE CATEGORIES:

An individual participant's name, the identity of any project on which the participant worked, and information on the nature and extent of the individual's involvement, level of effort, and NSF support is provided by the PI/grantee through project reporting. Demographic data is supplied by the individual participant on a voluntary basis. The individual participant may report ''Do not wish to Provide.''

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2014–29760 Filed 12–19–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295, 50–304, and 72–1037; NRC–2014–0199]

ZionSolutions, LLC.; Zion Nuclear Power Station, Units 1 and 2; Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a request submitted by Zion*Solutions* on June 25, 2014, for its general license to operate an independent spent fuel storage installation (ISFSI) at the Zion Nuclear Power Station (ZNPS). The exemption would permit Zion*Solutions* to load NAC International, Inc. (NAC), Modular Advanced Generation Nuclear All-purpose Storage (MAGNASTOR®) casks (Certificate of Compliance (CoC) No. 1031) in a manner different than permitted by any amendment to the MAGNASTOR® CoC. Zion*Solutions* is currently loading MAGNASTOR® storage casks and maintains that relief from requirements provides flexibility in operations, minimizes equipment runtime and repair, and minimizes personnel dose.

DATES: Notice of issuance of exemption given on December 22, 2014.

ADDRESSES: Please refer to Docket ID NRC–2014–0199 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0199. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select

''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document. Some documents referenced are located in the NRC's ADAMS Legacy Library. To obtain these documents, contact the NRC's PDR for assistance.

- 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: Bernard White, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–287–0810; email: *Bernard.White@nrc.gov.*

I. Background

In February 1998, ZNPS, Units 1 and 2, were permanently shut down. On February 13, 1998, Commonwealth Edison Company, the ZNPS licensee at that time, submitted a letter certifying the permanent cessation of operations at ZNPS, Units 1 and 2. On March 9, 1998, Commonwealth Edison Company submitted a letter certifying the permanent removal of fuel from the reactor vessels at ZNPS. On May 4, 2009, the NRC issued the order to transfer the ownership of the permanently shut down ZNPS facility, and responsibility for its decommissioning to Zion*Solutions.* This transfer was effectuated on September 1, 2010. Zion*Solutions* was established solely for the purpose of acquiring and decommissioning the ZNPS facility for release for unrestricted use, while transferring the spent nuclear fuel and Greater-Than-Class C radioactive waste to the ZNPS ISFSI. Zion*Solutions* holds Facility Operating License Nos. DPR–39 and DPR–48, which authorize possession of spent fuel from the operation of ZNPS, Units 1 and 2, in Zion, Illinois, pursuant to Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR). The licenses provide, among other things, that the facility must comply with all applicable NRC requirements.

Consistent with 10 CFR part 72, subpart K, a general license is issued for the storage of spent fuel in an ISFSI at power reactor sites to persons authorized to possess or operate nuclear power reactors under 10 CFR part 50. Zion*Solutions* is currently authorized to store spent fuel at the ZNPS ISFSI under the 10 CFR part 72 general license provisions.

The conditions of the 10 CFR part 72 general license, specifically 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), and 72.212(b)(11), require a general licensee to store spent fuel in an approved spent fuel storage cask listed in 10 CFR 72.214, and to comply with the conditions specified in the cask's CoC. The ZNPS ISFSI is currently loading and storing spent fuel in MAGNASTOR® storage casks, approved by the NRC under CoC No. 1031, Amendment No. 3.

The MAGNASTOR® system provides for the vertical dry storage of spent fuel assemblies in a welded transportable storage canister (TSC). The storage system components for MAGNASTOR® consist of a vertical concrete cask (VCC), a TSC with an internal basket assembly that holds the spent fuel assemblies, and a transfer cask, which contains the TSC during loading, transfer, and unloading operations. The VCC is constructed of reinforced concrete designed to withstand all normal condition loads, as well as abnormal condition loads created by natural phenomena such as earthquakes and tornados. The storage system is also designed to withstand design-basis accident conditions.

II. Request/Action

By letter dated June 25, 2014, Zion*Solutions* submitted a request for exemptions from specific portions of the requirements of 10 CFR 72.212, ''Conditions of general license issued under § 72.210,'' specifically 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 10 CFR 72.214, ''List of approved spent fuel storage casks.'' Specifically, Zion*Solutions* has requested an exemption from the requirements of limiting condition of operation (LCO) 3.1.1, Section 1, Table A, of the technical specification (TS), regarding allowed transfer time from loading of a TSC inside the MAGNASTOR® transfer cask to placement into the VCC following the completion of helium backfill. Zion*Solutions* must connect the TSC to the annulus cooling water system (ACWS) for a certain minimum period prior to attempting the transfer. The length of time the TSC is connected to the ACWS prior to the transfer determines the maximum time Zion*Solutions* has to successfully complete the transfer to the VCC.

Currently, Zion*Solutions* connects the TSC to the ACWS for 8 hours, which then affords a maximum of 8 hours to complete the transfer. Zion*Solutions* could increase the maximum transfer time to 48 hours by TSC connected to the ACWS for an additional 24 hours. However, the proposed exemption would modify the allowable transfer time for pressurized-water reactor (PWR) spent fuel after helium backfill from a maximum of 8 hours to 600 hours for the movement of a TSC, with heat load ≤20 kW, from the decontamination pit into the VCC. In its request, Zion*Solutions* explained that this exemption will reduce maintenance and delays, and potentially reduce the dose received by workers during the transfer. If granted, Zion*Solutions* intends to use this exemption for the remainder of a loading campaign that began in January 2014.

The NRC has the authority to grant specific exemptions from these requirements under 10 CFR 72.7 if the exemption is authorized by law and will not endanger life or property or the common defense and security and the exemption is otherwise in the public interest. For the reasons described below, the NRC is granting an exemption to Zion*Solutions.* This exemption is valid until March 31, 2015.

III. Discussion

Pursuant to 10 CFR 72.7, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 72 when the exemptions are authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest.

A. Authorized by Law

The Commission issued 10 CFR 72.7 under the authority granted to it under Section 133 of the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. 10153. Section 72.7 allows the NRC to grant exemptions from the requirements of 10 CFR part 72 if the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. As explained below, the proposed exemption will not endanger life or property, or the common defense and security, and is otherwise in the public interest. The ISFSI regulations cited in this exemption request are 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 10 CFR 72.214. The Commission has the legal authority to issue exemptions from the requirements of Part 72 as provided in 10 CFR 72.7. Issuance of this exemption is consistent with the Atomic Energy Act of 1954, as amended, and not otherwise inconsistent with NRC

regulations or other applicable laws. Therefore, issuance of the exemption is authorized by law.

B. The Exemption Will Not Endanger Life or Property or the Common Defense and Security

In its exemption request, Zion*Solutions* referred to analyses performed by the cask vendor, NAC, in support of Zion*Solutions'* request.[1]

Approval of this exemption request will allow Zion*Solutions* to utilize a longer transfer time to place the canister in a VCC, may reduce operational dose associated with a shorter transfer time, in the event the licensee is unable to complete the transfer in the maximum 8-hour period allowed under the terms of the MAGNASTOR CoC. If the exemption is not granted and Zion*Solutions* is unable to conclude the transfer within the 8 hours, it would have to reconnect the TSC to ACWS within the 8 hour transfer time. Alternately, Zion*Solutions* can connect the TSC to the ACWS for an additional 24 hours prior to transfer to be allowed more time for the transfer. The additional cooling time extends the permitted maximum time for the transfer from 8 hours to 48 hours, per Table B of LCO 3.1.1. Granting Zion*Solutions'* exemption to use the longer transfer time may reduce dose to the operators, which conforms to the NRC's as low as reasonably achievable (ALARA) requirements.

As discussed below, the NRC staff finds that Zion*Solutions'* proposal to increase its transfer time after helium backfill from 8 to 600 hours for heat loads ≤20 kW is acceptable for PWR spent fuel and will not endanger life or property or common defense and security. The thermal evaluation for the increased transfer time was evaluated using guidance in NUREG–1536, ''Standard Review Plan for Spent Fuel Dry Storage Systems at a General License Facility, Rev. 1.''

Safety Evaluation: Zion*Solutions* proposed to increase the maximum transfer time for the TSC specified in LCO 3.1.1, Section 1, Table A, of the TS from 8 to 600 hours for decay heat loads less than 20 kW.

The cask vendor, NAC, performed a steady state analysis for the TSC located in the transfer cask, which had no additional cooling, and calculated a peak cladding temperature of 653 °F for the ≤20 kW PWR heat load condition. The analysis by NAC shows that the peak cladding temperature during the extended transfer times proposed by Zion*Solutions* is below the limit of 752 °F by a significant margin (~100 °F). As discussed below, because the peak cladding temperature during the extended transfer times proposed by Zion*Solutions* will remain below the limit of 752 °F, the NRC staff concludes that the additional cooling is not required for loading heat loads ≤20 kW at ZNPS.

As part of its review of Zion*Solutions'* exemption request, the NRC staff referred to NAC's modeling methods, initial conditions, and boundary conditions and determined the analyses show that the extended transfer times requested by Zion*Solution*s are acceptable. First, the NRC staff determined that the mesh discretization used in the model is acceptable to support this exemption because it does not significantly change the results from the prior model for laminar flows inside the canister and in the annulus between the canister and transfer cask inner shell. Second, the NRC staff determined that the flow resistance factor, used to model fluid flow through the 14x14 PWR fuel assembly as a porous media, is acceptable because it conforms to known thermal-hydraulic measurements on a PWR fuel assembly. The analysis is also acceptable to support this exemption because the methodology used is the same as the methodology used in the thermal evaluation for the initial issuance of CoC No. 1031, which the NRC staff had previously found to be acceptable. Finally, the NRC staff has determined that the analysis is acceptable to support this exemption because the results of the calculation show that the fuel temperatures will remain below the fuel temperature limit of 752 °F, as specified in NUREG–1536, Rev. 1, ''Standard Review Plan for Dry Cask Storage Systems,'' and Interim Staff Guidance No. 11, Rev. 3, ''Cladding Considerations for the Transportation and Storage of Spent Fuel.'' Therefore, the NRC staff concludes that Zion*Solutions* will meet the requirements of Part 72 while operating with this exemption.

Security Evaluation: Modification of the transfer time when a canister's thermal output is ≤20 kW for PWR spent fuel does not affect the ISFSI security plans. Accordingly, the ZNPS ISFSI will continue to be physically protected under Zion*Solutions'* ISFSI Physical Security Plan to the same level of security. Additionally, the changes do not affect the confinement barriers of the canisters or affect the integrity of the spent nuclear fuel. Therefore, confinement of the spent fuel stored at the ISFSI facility is not affected.

As discussed above, the safety and security requirements associated with transferring the loaded TSC in a transfer cask to a VCC at the ZNPS ISFSI will continue to be met if the exemption is granted. Therefore, issuance of the exemption will not endanger life or property or the common defense and security.

C. The Exemption Is Otherwise in the Public Interest

Zion*Solutions* stated that adoption of the revised transfer times as proposed will maintain doses ALARA by ensuring that the time needed to prepare the canister for storage is minimized. Based on its review of Zion*Solutions'* request, the NRC staff concludes that allowing the use of the extended maximum transfer time reduces time constraints during transfer operations on operators and thereby reduces dose to ZNPS operators for the following reasons.

If the operator is unable to conclude the activity within 8 hours due to operational delays or complications, Zion*Solutions* stated that it reconnects the MAGNASTOR transfer cask to annulus cooling water system (ACWS) within the 8 hour transfer time. Zion*Solutions'* exemption request indicated that operators include a 2-hour buffer in the transfer time to account for the possibility that the transfer cask will need to be reconnected to the ACWS. As a result, the transfer time available to the operator is limited to approximately 6 hours. Performing the ACWS reconnection increases dose to the operators and, as discussed above, the NRC staff has concluded that successfully completing the transfer within 600 hours is sufficient to provide adequate protection of the public health and safety.

To avoid the 8 hour transfer time limitation, Zion*Solutions* could use an alternative procedure that allows a 48 hour limit (LCO 3.1.1, Table B ''PWR with Maximum TSC Backfill''). That alternate procedure requires the TSC to remain connected to the ACWS for an additional 24 hours prior to attempting the transfer. This alternate procedure is likely to be used to avoid needing to make multiple transfer attempts to account for operational delays or complications. However, that alternate procedure results in an additional 17 hours of operating time, per individual cask loading, and would include additional dose to personnel, increase equipment wear, and increase the risk of equipment failure during extended operation. The resulting system's lack of

[1] While the Amendment No. 4 application includes the addition of increased transfer time, the application also includes other changes not at issue in this exemption.

availability would also impact operations. The additional operational period is specifically a concern for the Zion*Solutions* fuel loading campaign, which involves 61 casks, because up to 43 days will be added to the transfer duration if the alternate procedure is adopted for all 61 casks. Based on the NRC staff's evaluation of the extended transfer times proposed by Zion*Solutions,* the NRC staff determines that those procedures are not necessary to meet the requirements of Part 72 because even without the alternate procedures the fuel temperature will remain below the temperature limit in NUREG–1536 and ISG–11 which limits fuel degradation and ensures ready retrievability as required in 10 CFR 72.122(h) and (l).

Given the potential avoidance of additional radiological exposure to workers during the cask loading campaign, issuance of the exemption is in the public interest.

D. Environmental Considerations

The NRC staff also considered whether there would be any significant environmental impacts associated with the exemption. For this proposed action, the NRC staff performed an environmental assessment pursuant to 10 CFR 51.30. The environmental assessment concluded that the proposed action would not significantly impact the quality of the human environment. The NRC staff concluded that the proposed action will not result in any changes in the types or amounts of any radiological or non-radiological effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure because of the proposed action. The Environmental Assessment and the Finding of No Significant Impact was published on October 16, 2014 (79 FR 62211).

IV. Conclusions

Accordingly, the NRC has determined that, pursuant to 10 CFR 72.7, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Zion*Solution*s an exemption from 10 CFR part 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11) and 72.214, which states that the licensee shall comply with the terms, conditions, and specifications of the CoC only with regard to LCO 3.1.1, Section 1, Table A, of TS to MAGNASTOR® CoC No. 1031, Amendment No. 3, to change the time allowed after helium backfill from 8 hours to 600 hours for transferring a canister containing ≤20 kW of decay heat load from decontamination pit to a VCC. This exemption approval is only valid for authorizing a longer transfer time up to 600 hours for canisters with a decay heat load ≤20 kW at the Zion*Solutions* Nuclear Station ISFSI until March 31, 2015.

V. Availability of Documents

The documents identified in the following table are available to interested persons in ADAMS. For information on accessing ADAMS see the **ADDRESSES** section of this document.

Document	ADAMS Accession No.
Commonwealth Edison Company letter certifying the permanent cessation of operations at ZNPS, Units 1 and 2.	9802200407 (Legacy Library).
Commonwealth Edison Company letter certifying the permanent removal of fuel from the reactor vessels at ZNPS.	9803110251 (Legacy Library).
NRC order and conforming amendments transferring ownership of ZNPS facility	ML090930037.
Letter issuing conforming amendments relating to transfer of licenses for ZNPS	ML102290437.
Zion exemption request	ML14182A474.
NAC amendment request No. 4 to change LCO 3.1.1, Section 1, Table A	ML13171A031.
NAC MAGANSTOR Amendment 4 response to NRC request for supplemental information	ML13261A278.
NAC MAGANSTOR final safety analysis report, Revision 13C	ML13268A050.
NAC supplement to correct TS error associated with additional cooling times for fuel assemblies containing control elements.	ML14170A070.
NAC supplement to correct typographical error in boron density in TS	ML14170A022.
NAC request to have Amendment 3 to CoC 1031 be the basis for Amendment 4 instead of Amendment 2	ML14199A501.
NUREG–1536, Rev. 1, "Standard Review Plan for Dry Cask Storage Systems," dated July 2010	ML101040620.
Interim Staff Guidance No. 11, Rev. 3, "Cladding Considerations for the Transportation and Storage of Spent Fuel".	ML033230244.
Initial issuance of Certificate of Compliance No. 1031	ML090350509.

The exemption is effective upon issuance.

Dated at Rockville, Maryland, this 11th day of December, 2014.

For the Nuclear Regulatory Commission.

Anthony H. Hsia,

Deputy Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2014–29889 Filed 12–19–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: December 15, 22, 29, 2014; January 5, 12, 19, 26 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of December 15, 2014

Friday, December 19, 2014

10:55 a.m. Affirmation Session (Public Meeting) (Tentative)
Florida Power & Light Co. (St. Lucie Plant, Unit 2) (Tentative)

* * * * *

Week of December 22, 2014

There are no meetings scheduled for the week of December 22, 2014.

Week of December 29, 2014—Tentative

There are no meetings scheduled for the week of December 29, 2014.

Week of January 5, 2015—Tentative

There are no meetings scheduled for the week of January 5, 2015.

Week of January 12, 2015—Tentative

There are no meetings scheduled for the week of January 12, 2015.

Week of January 19, 2015—Tentative

There are no meetings scheduled for the week of January 19, 2015.

Week of January 26, 2015—Tentative

Thursday, January 29, 2015

9:00 a.m. Briefing on Foreign Ownership, Control, and Domination (Public Meeting) (Contact: Shawn Harwell, 301–415–1309)

This meeting will be Webcast live at the Web address—*http://www.nrc.gov/.*

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at (301) 415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

* * * * *

Additional Information

By a vote of 5–0 on December 18, 2014, the Commission determined pursuant to U.S.C. 552b(e) and '9.107(a) of the Commission's rules that the above referenced Affirmation Session be held with less than one week notice to the public. The meeting is scheduled on December 19, 2014.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at:*http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov*

Dated: December 18, 2014

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–30064 Filed 12–18–14; 4:15 pm]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Application for Deferred Retirement (For Persons Separated on or After October 1, 1956), OPM 1496A, 3206–0121

AGENCY: Office of Personnel Management.

ACTION: 30-day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0121, Application for Deferred Retirement (For persons separated on or after October 1, 1956). As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on July 16, 2014 at Volume 79 FR 41603 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until January 21, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

OPM 1496A, is used by eligible former Federal employees to apply for a deferred Civil Service annuity.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Deferred Retirement (For persons separated on or after October 1, 1956).

OMB Number: 3206–0121.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 2,800.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 2,800.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–29940 Filed 12–19–14; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

National Council on Federal Labor-Management Relations Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The National Council on Federal Labor-Management Relations plans to meet on Wednesday, January 21, 2015.

The meeting will start at 10:00 a.m. EST and will be held at the International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, DC 20001. Interested parties should consult the Council Web site at *www.lmrcouncil.gov* for the latest information on Council activities, including changes in meeting dates.

The Council is an advisory body composed of representatives of Federal employee organizations, Federal management organizations, and senior Government officials. The Council was established by Executive Order 13522, entitled, ''Creating Labor-Management Forums to Improve Delivery of Government Services,'' which was signed by the President on December 9, 2009. Along with its other responsibilities, the Council assists in the implementation of Labor Management Forums throughout the Government and makes recommendations to the President on innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests. The Council is co-chaired by the Director of the Office of Personnel Management and the Deputy Director for Management of the Office of Management and Budget.

At its meetings, the Council will continue its work in promoting cooperative and productive relationships between labor and management in the executive branch, by carrying out the responsibilities and functions listed in Section 1(b) of the Executive Order. The meetings are open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at the meeting. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

FOR FURTHER INFORMATION CONTACT: Tim Curry, Deputy Associate Director for Partnership and Labor Relations, Office of Personnel Management, 1900 E Street NW., Room 7H28, Washington, DC 20415. Phone (202) 606–2930 or email at *PLR@opm.gov.*

For the National Council.

Katherine Archuleta,

Director.

[FR Doc. 2014–29938 Filed 12–19–14; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form 13F.

OMB Control No. 3235–0006, SEC File No. 270–22.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 13(f) [1] of the Securities Exchange Act of 1934 [2] (the ''Exchange Act'') empowers the Commission to: (1) Adopt rules that create a reporting and disclosure system to collect specific information; and (2) disseminate such information to the public. Rule 13f–1 [3] under the Exchange Act requires institutional investment managers that exercise investment discretion over accounts that have in the aggregate a fair market value of at least $100,000,000 of certain U.S. exchange-traded equity securities, as set forth in rule 13f–1(c), to file quarterly reports with the Commission on Form 13F.[4]

The information collection requirements apply to institutional investment managers that meet the $100 million reporting threshold. Section 13(f)(6) of the Exchange Act defines an ''institutional investment manager'' as any person, other than a natural person, investing in or buying and selling securities for its own account, and any person exercising investment discretion with respect to the account of any other person. Rule 13f–1(b) under the Exchange Act defines ''investment discretion'' for purposes of Form 13F reporting.

The reporting system required by Section 13(f) of the Exchange Act is intended, among other things, to create in the Commission a central repository of historical and current data about the investment activities of institutional investment managers, and to improve the body of factual data available to regulators and the public.

The Commission staff estimates that 5,044 respondents make approximately 20,176 responses under the rule each year. The staff estimates that on average, Form 13F filers spend 80.8 hours/year to prepare and submit the report. In addition, the staff estimates that 204 respondents file approximately 816 amendments each year. The staff estimates that on average, Form 13F filers spend 4 hours/year to prepare and submit amendments to Form 13F. The total annual burden of the rule's requirements for all respondents therefore is estimated to be 408,371 hours [(407,555 hours (5,044 filers × 80.8 hours)) + (816 hours (204 filers × 4 hours))].

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. 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 control number.

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Acting Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: December 16, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29812 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78m(f).

[2] 15 U.S.C. 78a *et seq.*

[3] 17 CFR 240.13f–1.

[4] 17 CFR 249.325.

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 35d–1.

OMB Control No. 3235–0548, SEC File No. 270–491.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995

(44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 35d–1 (17 CFR 270.35d-1) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) defines as ''materially deceptive and misleading'' for purposes of Section 35(d), among other things, a name suggesting that a registered investment company or series thereof (a ''fund'') focuses its investments in a particular type of investment or investments, in investments in a particular industry or group of industries, or in investments in a particular country or geographic region, unless, among other things, the fund adopts a certain investment policy. Rule 35d–1 further requires either that the investment policy is fundamental or that the fund has adopted a policy to provide its shareholders with at least 60 days prior notice of any change in the investment policy (''notice to shareholders''). The rule's notice to shareholders provision is intended to ensure that when shareholders purchase shares in a fund based, at least in part, on its name, and with the expectation that it will follow the investment policy suggested by that name, they will have sufficient time to decide whether to redeem their shares in the event that the fund decides to pursue a different investment policy.

The Commission estimates that there are approximately 11,400 open-end and closed-end funds that have names that are covered by the rule. The Commission estimates that of these 11,400 funds, approximately 32 will provide prior notice to shareholders pursuant to a policy adopted in accordance with this rule per year. The Commission estimates that the annual burden associated with the notice to shareholders requirement of the rule is 20 hours per response, for annual total of 640 hours per year.

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collection of information under rule 35d–1 is mandatory. The information provided under rule 35d–1 will not be kept confidential. 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.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: December 16, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29811 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 19d–2.

OMB Control No. 3235–0205, SEC File No. 270–204.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 19d–2—Applications for Stays of Final Disciplinary Sanction (17 CFR 240.19d–2) under the Securities Exchange Act of 1943 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 19d–2 under the Exchange Act prescribes the form and content of applications to the Commission by persons desiring stays of final disciplinary sanctions and summary action of self-regulatory organizations (''SROs'') for which the Commission is the appropriate regulatory agency.

It is estimated that approximately three respondents will utilize this application procedure annually, with a total burden of nine hours, based upon past submissions. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19d–2 is 3 hours.

Based on the most recent available information, the Commission staff estimates that the internal labor cost to respondents of complying with the requirements of Rule 19d–2 is $990 per response. Therefore, the Commission staff estimates that the total internal labor cost per respondent is $990 (1 response/respondent/year × $990 cost/response), for a total annual internal labor cost to all respondents of $2,970 ($990 cost/respondent × 3 respondents).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget control number.

Please direct your written comments to: Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: December 16, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29810 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31381; File No. 812–14350]

Wilshire Mutual Funds, Inc., et al.; Notice of Application

December 16, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 12(d)(1)(A) and (B) of the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act, and under section 6(c) of the Act for an exemption from rule 12d1–2(a) under the Act.

SUMMARY OF THE APPLICATION: The requested order would (a) permit certain registered open-end management investment companies that operate as ''funds of funds'' to acquire shares of certain registered open-end management investment companies and unit investment trusts (''UITs'') that are within and outside the same group of investment companies as the acquiring investment companies, and (b) permit funds of funds relying on rule 12d1–2 under the Act to invest in certain financial instruments.

APPLICANTS: Wilshire Mutual Funds, Inc. (''Wilshire Mutual Funds''), Wilshire Variable Insurance Trust (''Wilshire VIT'', and with Wilshire Mutual Funds, the ''Wilshire Funds''), Wilshire Associates Incorporated (''Adviser''), and SEI Investments Distribution Co. (the ''Distributor'').

DATES: *Filing Dates:* The application was filed on August 19, 2014 and amended on November 10, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on January 9, 2015 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, 1299 Ocean Avenue, Suite 700, Santa Monica, CA 90401.

FOR FURTHER INFORMATION CONTACT: Kaitlin C. Bottock, Attorney Adviser, at (202) 551–8658, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. Wilshire Mutual Funds, a Maryland corporation, and Wilshire VIT, a Delaware statutory trust, are each registered under the Act as an open-end management investment company. Wilshire Mutual Funds and Wilshire VIT currently offer shares of 6 series and 9 series, respectively, each of which pursues different investment objectives and principal investment strategies.[1]

2. The Adviser, a California corporation, is registered as an investment adviser under the Investment Advisers Act of 1940, as amended (''Advisers Act'') and serves as investment adviser to the Funds.

3. The Distributor, a Pennsylvania corporation, is registered as a broker-dealer under the Securities Exchange Act of 1934 (the ''Exchange Act''). The Distributor serves as principal underwriter and distributor for the shares of the Funds.

4. Applicants request an order to permit (a) a Fund that operates as a ''fund of funds'' (each a ''Fund of Funds'') to acquire shares of (i) registered open-end management investment companies that are not part of the same ''group of investment companies,'' within the meaning of section 12(d)(1)(G)(ii) of the Act, as the Fund of Funds (''Unaffiliated Investment Companies'') and unit investment trusts (''UITs'') that are not part of the same ''group of investment companies'' as the Fund of Funds (''Unaffiliated Trusts,'' together with the Unaffiliated Investment Companies, ''Unaffiliated Funds'')[2] or (ii) registered open-end management investment companies or UITs that are part of the same ''group of investment companies,'' within the meaning of section 12(d)(1)(G) (ii) of the Act, as the Fund of Funds (collectively, ''Affiliated Funds,'' together with the Unaffiliated Funds, ''Underlying Funds'') and (b) each Underlying Fund that is a registered open-end management investment company or series thereof, the Distributor or any principal underwriter for the Underlying Fund, and any broker or dealer registered under the Exchange Act (''Broker'') to sell shares of the Underlying Fund to the Fund of Funds in amounts in excess of limits set forth in section 12(d)(1)(B). Applicants also request an order under sections 6(c) and 17(b) of the Act to exempt applicants from section 17(a) to the extent necessary to permit Underlying Funds to sell their shares to Funds of Funds and redeem their shares from Funds of Funds.

5. Applicants also request an exemption under section 6(c) from rule 12d1–2 under the Act to permit any existing or future Fund that relies on section 12(d)(1)(G) of the Act (''Same Group Fund of Funds'') and that otherwise complies with rule 12d1–2 to also invest, to the extent consistent with its investment objective, policies, strategies, and limitations, in financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act (''Other Investments'').

Applicants' Legal Analysis

A. Investments in Underlying Funds—Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act, in relevant part, prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring

[1] Applicants request that the order apply to each existing and future series of the Wilshire Funds and to each existing and future registered open-end management investment company or series thereof that is advised by the Adviser or any entity controlling, controlled by or under common control with the Adviser and is part of the same ''group of investment companies'' (as defined in section 12(d)(1)(G)(ii) of the Act), as the Wilshire Funds (each, a ''Fund'' and collectively, ''Funds.''). All entities that currently intend to rely on the requested order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

[2] Certain of the Unaffiliated Funds may be registered under the Act as either UITs or open-end management investment companies and have received exemptive relief to permit their shares to be listed and traded on a national securities exchange at negotiated prices (''ETFs'').

company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, and any Broker from selling the investment company's shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's total outstanding voting stock, or if the sale will cause more than 10% of the acquired company's total outstanding voting stock to be owned by investment companies generally.

2. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Applicants seek an exemption under section 12(d)(1)(J) of the Act to permit a Fund of Funds to acquire shares of the Underlying Funds in excess of the limits in section 12(d)(1)(A), and an Underlying Fund, any principal underwriter for an Underlying Fund, and any Broker to sell shares of an Underlying Fund to a Fund of Funds in excess of the limits in section 12(d)(1)(B) of the Act.

3. Applicants state that the terms and conditions of the proposed arrangement will not give rise to the policy concerns underlying sections 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees, and overly complex fund structures. Accordingly, applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

4. Applicants believe that the proposed arrangement will not result in the exercise of undue influence by the Fund of Funds or a Fund of Funds Affiliate over the Unaffiliated Funds.[3] To limit the control that the Fund of Funds may have over an Unaffiliated Fund, applicants propose a condition prohibiting the Adviser, any person controlling, controlled by, or under common control with the Adviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Adviser or any person controlling, controlled by, or under common control with the Adviser (the ''Advisory Group'') from controlling (individually or in the aggregate) an Unaffiliated Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any other investment adviser within the meaning of section 2(a)(20)(B) of the Act to a Fund of Funds (''Subadviser''), any person controlling, controlled by, or under common control with the Subadviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Subadviser or any person controlling, controlled by, or under common control with the Subadviser (the ''Subadvisory Group''). Applicants propose other conditions to limit the potential for undue influence over the Unaffiliated Funds, including that no Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to an Unaffiliated Investment Company or sponsor to an Unaffiliated Trust) will cause an Unaffiliated Fund to purchase a security in an offering of securities during the existence of any underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, trustee, advisory board member, investment adviser, Subadviser, or employee of the Fund of Funds, or a person of which any such officer, director, trustee, advisory board member, investment adviser, Subadviser, or employee is an affiliated person. An Underwriting Affiliate does not include any person whose relationship to an Unaffiliated Fund is covered by section 10(f) of the Act.

5. To further ensure that an Unaffiliated Investment Company understands the implications of an investment by a Fund of Funds under the requested order, prior to a Fund of Funds' investment in the shares of an Unaffiliated Investment Company in excess of the limit in section 12(d)(1)(A)(i) of the Act, the Fund of Funds and the Unaffiliated Investment Company will execute an agreement stating, without limitation, that their respective board of directors or trustees (for any entity, the ''Board'') and their investment advisers understand the terms and conditions of the order and agree to fulfill their responsibilities under the order (''Participation Agreement''). Applicants note that an Unaffiliated Investment Company (other than an ETF whose shares are purchased by a Fund of Funds in the secondary market) will retain its right at all times to reject any investment by a Fund of Funds.[4]

6. Applicants state that they do not believe that the proposed arrangement will involve excessive layering of fees. The Board of each Fund of Funds, including a majority of the directors who are not ''interested persons'' (within the meaning of section 2(a)(19) of the Act) (''Independent Directors''), will find that the advisory fees charged under investment advisory or management contract(s) are based on services provided that will be in addition to, rather than duplicative of, the services provided under such advisory contract(s) of any Underlying Fund in which the Fund of Funds may invest. In addition, the Adviser will waive fees otherwise payable to it by a Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by an Unaffiliated Investment Company under rule 12b-1 under the Act) received from an Unaffiliated Fund by the Adviser or an affiliated person of the Adviser, other than any advisory fees paid to the Adviser or its affiliated person by an Unaffiliated Investment Company, in connection with the investment by the Fund of Funds in the Unaffiliated Fund. Any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds as set forth in rule 2830 of the Conduct Rules of the NASD (''NASD Conduct Rule 2830'').[5]

7. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that no Underlying Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except in certain circumstances identified in condition 11 below.

B. Section 17(a)

1. Section 17(a) of the Act generally prohibits sales or purchases of securities between a registered investment company and any affiliated person of

[3] A ''Fund of Funds Affiliate'' is the Adviser, any Subadviser (as defined below), promoter, or principal underwriter of a Fund of Funds, as well as any person controlling, controlled by, or under common control with any of those entities. An ''Unaffiliated Fund Affiliate'' is an investment adviser, sponsor, promoter, or principal underwriter of an Unaffiliated Fund, as well as any person controlling, controlled by, or under common control with any of those entities.

[4] An Unaffiliated Investment Company, including an ETF, would retain its right to reject any initial investment by a Fund of Funds in excess of the limit in section 12(d)(1)(A)(i) of the Act by declining to execute the Participation Agreement with the Fund of Funds.

[5] Any references to NASD Conduct Rule 2830 include any successor or replacement rule of FINRA to NASD Conduct Rule 2830.

the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the other person; and (c) any person directly or indirectly controlling, controlled by, or under common control with the other person.

2. Applicants state that a Fund of Funds and the Affiliated Funds managed by the same Adviser might be deemed to be under common control of the Adviser and therefore affiliated persons of one another. Applicants also state that the Fund of Funds and the Unaffiliated Funds might be deemed to be affiliated persons of one another if the Fund of Funds acquires 5% or more of an Unaffiliated Fund's outstanding voting securities. In light of these and other possible affiliations, section 17(a) could prevent an Underlying Fund from selling shares to and redeeming shares from a Fund of Funds.

3. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants submit that the proposed transactions satisfy the standards for relief under sections 17(b) and 6(c) of the Act.[6] Applicants state that the terms of the transactions are reasonable and fair and do not involve overreaching. Applicants state that the terms upon which an Underlying Fund will sell its shares to or purchase its shares from a Fund of Funds will be based on the net asset value of the Underlying Fund.[7] Applicants state that the proposed transactions will be consistent with the policies of each Fund of Funds and each Underlying Fund and with the general purposes of the Act.

C. Other Investments by Same Group Fund of Funds

1. Section 12(d)(1)(G) of the Act provides that section 12(d)(1) will not apply to securities of an acquired company purchased by an acquiring company if: (i) The acquiring company and acquired company are part of the same group of investment companies; (ii) the acquiring company holds only securities of acquired companies that are part of the same group of investment companies, government securities, and short-term paper; (iii) the aggregate sales loads and distribution-related fees of the acquiring company and the acquired company are not excessive under rules adopted pursuant to section 22(b) or section 22(c) of the Act by a securities association registered under section 15A of the Exchange Act or by the Commission; and (iv) the acquired company has a policy that prohibits it from acquiring securities of registered open-end management investment companies or registered unit investment trusts in reliance on section 12(d)(1)(F) or (G) of the Act.

2. Rule 12d1–2 under the Act permits a registered open-end investment company or a registered unit investment trust that relies on section 12(d)(1)(G) of the Act to acquire, in addition to securities issued by another registered investment company in the same group of investment companies, government securities, and short-term paper: (1) securities issued by an investment company that is not in the same group of investment companies, when the acquisition is in reliance on section 12(d)(1)(A) or 12(d)(1)(F) of the Act; (2) securities (other than securities issued by an investment company); and (3) securities issued by a money market fund, when the acquisition is in reliance on rule 12d1–1 under the Act. For the purposes of rule 12d1–2, ''securities'' means any security as defined in section 2(a)(36) of the Act.

3. Applicants state that the proposed arrangement would comply with the provisions of rule 12d1–2 under the Act, but for the fact that a Same Group Fund of Funds may invest a portion of its assets in Other Investments. Applicants request an order under section 6(c) of the Act for an exemption from rule 12d1–2(a) to allow the Same Group Fund of Funds to invest in Other Investments. Applicants assert that permitting Same Group Fund of Funds to invest in Other Investments as described in the application would not raise any of the concerns that the requirements of section 12(d)(1) were designed to address.

4. Consistent with its fiduciary obligations under the Act, the Board of each Same Group Fund of Funds will review the advisory fees charged by the Same Group Fund of Funds' investment adviser to ensure that they are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to the advisory agreement of any investment company in which the Same Group Fund of Funds may invest.

Applicants' Conditions

Investments by Funds of Funds in Underlying Funds

Applicants agree that the relief to permit Funds of Funds to invest in Underlying Funds shall be subject to the following conditions:

1. The members of an Advisory Group will not control (individually or in the aggregate) an Unaffiliated Fund within the meaning of section 2(a)(9) of the Act. The members of a Subadvisory Group will not control (individually or in the aggregate) an Unaffiliated Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of an Unaffiliated Fund, the Advisory Group or a Subadvisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of the Unaffiliated Fund, then the Advisory Group or the Subadvisory Group will vote its shares of the Unaffiliated Fund in the same proportion as the vote of all other holders of the Unaffiliated Fund's shares. This condition will not apply to a Subadvisory Group with respect to an Unaffiliated Fund for which the Subadviser or a person controlling, controlled by, or under common control with the Subadviser acts as the

[6] Applicants acknowledge that receipt of any compensation by (a) an affiliated person of a Fund of Funds, or an affiliated person of such person, for the purchase by a Fund of Funds of shares of an Underlying Fund or (b) an affiliated person of an Underlying Fund, or an affiliated person of such person, for the sale by the Underlying Fund of its shares to a Fund of Funds may be prohibited by section 17(e)(1) of the Act. The Participation Agreement also will include this acknowledgement.

[7] To the extent purchases and sales of shares of an ETF occur in the secondary market (and not through principal transactions directly between a Fund of Funds and an ETF), relief from section 17(a) of the Act would not be necessary. The requested relief is intended to cover, however, transactions directly between ETFs and a Fund of Funds. Applicants are not seeking relief from section 17(a) of the Act for, and the requested relief will not apply to, transactions where an ETF could be deemed an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds because the investment adviser to the ETF, or an entity controlling, controlled by, or under common control with the investment adviser to the ETF, is an investment adviser to the Fund of Funds.

investment adviser within the meaning of section 2(a)(20)(A) of the Act (in the case of an Unaffiliated Investment Company) or as the sponsor (in the case of an Unaffiliated Trust).

2. No Fund of Funds or Fund of Funds Affiliate will cause any existing or potential investment by the Fund of Funds in shares of an Unaffiliated Fund to influence the terms of any services or transactions between the Fund of Funds or a Fund of Funds Affiliate and the Unaffiliated Fund or an Unaffiliated Fund Affiliate.

3. The Board of each Fund of Funds, including a majority of the Independent Directors, will adopt procedures reasonably designed to ensure that its Adviser and any Subadviser(s) to the Fund of Funds are conducting the investment program of the Fund of Funds without taking into account any consideration received by the Fund of Funds or Fund of Funds Affiliate from an Unaffiliated Fund or an Unaffiliated Fund Affiliate in connection with any services or transactions.

4. Once an investment by a Fund of Funds in the securities of an Unaffiliated Investment Company exceeds the limit of section 12(d)(l)(A)(i) of the Act, the Board of the Unaffiliated Investment Company, including a majority of the Independent Directors, will determine that any consideration paid by the Unaffiliated Investment Company to a Fund of Funds or a Fund of Funds Affiliate in connection with any services or transactions: (a) is fair and reasonable in relation to the nature and quality of the services and benefits received by the Unaffiliated Investment Company; (b) is within the range of consideration that the Unaffiliated Investment Company would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (c) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between an Unaffiliated Investment Company and its investment adviser(s) or any person controlling, controlled by, or under common control with such investment adviser(s).

5. No Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to an Unaffiliated Investment Company or sponsor to an Unaffiliated Trust) will cause an Unaffiliated Fund to purchase a security in any Affiliated Underwriting.

6. The Board of an Unaffiliated Investment Company, including a majority of the Independent Directors, will adopt procedures reasonably designed to monitor any purchases of securities by the Unaffiliated Investment Company in an Affiliated Underwriting once an investment by a Fund of Funds in the securities of the Unaffiliated Investment Company exceeds the limit of section 12(d)(l)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board of the Unaffiliated Investment Company will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Fund of Funds in the Unaffiliated Investment Company. The Board of the Unaffiliated Investment Company will consider, among other things, (a) whether the purchases were consistent with the investment objectives and policies of the Unaffiliated Investment Company; (b) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (c) whether the amount of securities purchased by the Unaffiliated Investment Company in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board of the Unaffiliated Investment Company will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interests of shareholders.

7. Each Unaffiliated Investment Company shall maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and shall maintain and preserve for a period not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in an Affiliated Underwriting once an investment by a Fund of Funds in the securities of an Unaffiliated Investment Company exceeds the limit of section 12(d)(l)(A)(i) of the Act, setting forth the: (a) party from whom the securities were acquired, (b) identity of the underwriting syndicate's members, (c) terms of the purchase, and (d) information or materials upon which the determinations of the Board of the Unaffiliated Investment Company were made.

8. Prior to its investment in shares of an Unaffiliated Investment Company in excess of the limit in section 12(d)(l)(A)(i) of the Act, the Fund of Funds and the Unaffiliated Investment Company will execute a Participation Agreement stating, without limitation, that their Boards and their investment advisers understand the terms and conditions of the order and agree to fulfill their responsibilities under the order. At the time of its investment in shares of an Unaffiliated Investment Company in excess of the limit in section 12(d)(l)(A)(i), a Fund of Funds will notify the Unaffiliated Investment Company of the investment. At such time, the Fund of Funds will also transmit to the Unaffiliated Investment Company a list of the names of each Fund of Funds Affiliate and Underwriting Affiliate. The Fund of Funds will notify the Unaffiliated Investment Company of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Unaffiliated Investment Company and the Fund of Funds will maintain and preserve a copy of the order, the Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

9. Before approving any advisory contract under section 15 of the Act, the Board of each Fund of Funds, including a majority of the Independent Directors, shall find that the advisory fees charged under such advisory contract are based on services provided that are in addition to, rather than duplicative of, services provided under the advisory contract(s) of any Underlying Fund in which the Fund of Funds may invest. Such finding and the basis upon which the finding was made will be recorded fully in the minute books of the appropriate Fund of Funds.

10. The Adviser will waive fees otherwise payable to it by a Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by an Unaffiliated Investment Company under rule 12b-1 under the Act) received from an Unaffiliated Fund by the Adviser, or an affiliated person of the Adviser, other than any advisory fees paid to the Adviser or its affiliated person by an Unaffiliated Investment Company, in connection with the investment by the Fund of Funds in the Unaffiliated Fund. Any Subadviser will waive fees otherwise payable to the Subadviser, directly or indirectly, by the Fund of

Funds in an amount at least equal to any compensation received by the Subadviser, or an affiliated person of the Subadviser, from an Unaffiliated Fund, other than any advisory fees paid to the Subadviser or its affiliated person by an Unaffiliated Investment Company, in connection with the investment by the Fund of Funds in the Unaffiliated Fund made at the direction of the Subadviser. In the event that the Subadviser waives fees, the benefit of the waiver will be passed through to the applicable Fund of Funds.

11. No Underlying Fund will acquire securities of any other investment company or company relying on section 3(c)(l) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent that such Underlying Fund: (a) receives securities of another investment company as a dividend or as a result of a plan of reorganization of a company (other than a plan devised for the purpose of evading section 12(d)(l) of the Act); or (b) acquires (or is deemed to have acquired) securities of another investment company pursuant to exemptive relief from the Commission permitting such Underlying Fund to (i) acquire securities of one or more investment companies for short-term cash management purposes, or (ii) engage in interfund borrowing and lending transactions.

12. Any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to fund of funds set forth in NASD Conduct Rule 2830.

Other Investments by Same Group Fund of Funds

Applicants agree that the relief to permit Same Group Fund of Funds to invest in Other Investments shall be subject to the following condition:

13. Applicants will comply with all provisions of rule 12d1–2 under the Act, except for paragraph (a)(2) to the extent that it restricts any Same Group Fund of Funds from investing in Other Investments as described in the application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29809 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73846; File No. SR–MIAX–2014–64]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC To Amend Exchange Rules 307 and 309 To Extend the SPY Pilot Program

December 16, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 11, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rules 307 and 309 to extend the pilot program that eliminates the position and exercise limits for physically-settled options on the SPDR S&P 500 ETF Trust (''SPY Pilot Program'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 307, Commentary .01, Position Limits, and Exchange Rule 309, Commentary .01, Exercise limits, to extend the duration of the SPY Pilot Program through July 12, 2015. There are no substantive changes being proposed to the SPY Pilot Program. In proposing to extend the SPY Pilot Program, the Exchange affirms its consideration of several factors that support the proposal to establish the SPY Pilot Program, which include: (1) The liquidity of the option and the underlying security; (2) the market capitalization of the underlying security and the securities that make up the S&P 500 Index; (3) options reporting requirements; and (4) financial requirements imposed by MIAX and the Commission.

The current Pilot Report for the SPY Pilot Program is not due until on or before January 15, 2015. The Exchange notes that it is not aware of any problems created by the current SPY Pilot Program and does not foresee any problems with the proposed extension. The Exchange will formally submit the current Pilot Report for the SPY Pilot Program on or before January 15, 2015. In addition, the Exchange represents that if it chooses to extend or seek permanent approval of the SPY Pilot Program, that the Exchange will submit another Pilot Report at least thirty (30) days prior to the expiration of the extended SPY Pilot Program time period which would cover the period between reports. The Pilot Report will compare the impact of the pilot program, if any, on the volumes of SPY options and the volatility in the price of the underlying SPY contract, particularly at expiration. The Pilot Report also will detail the size and different types of strategies employed with respect to positions established in SPY options; note whether any problems, in the underlying SPY ETF or otherwise, arose as a result of the no-limit approach; and include any other information that may be useful in evaluating the effectiveness of the pilot program. In preparing the Pilot Report, the Exchange will utilize various data elements such as volume and open interest. In addition the Exchange would make available to Commission staff data elements relating to the effectiveness of the SPY Pilot Program.

Prior to the expiration of the SPY Pilot Program and based upon the

findings of the Pilot Report, the Exchange will be able to either extend the SPY Pilot Program, adopt the SPY Pilot Program on a permanent basis, or terminate the SPY Pilot Program. If the SPY Pilot Program is not extended or adopted on a permanent basis by the expiration of the Extended Pilot, the position limits for SPY would revert to limits in effect at the commencement of the SPY Pilot Program.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) [3] of the Act in general, and furthers the objectives of Section 6(b)(5) [4] of the Act in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that extending the SPY Pilot Program promotes just and equitable principles of trade by permitting market participants, including market makers, institutional investors and retail investors, to establish greater positions when pursuing their investment goals and needs. The Exchange also believes that economically equivalent products should be treated in an equivalent manner so as to avoid regulatory arbitrage, especially with respect to position limits. Treating SPY and SPX options differently by virtue of imposing different position limits is inconsistent with the notion of promoting just and equitable principles of trade and removing impediments to perfect the mechanisms of a free and open market. At the same time, the Exchange believes that the elimination of position limits for SPY options would not increase market volatility or facilitate the ability to manipulate the market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any aspect of competition, whether between the Exchange and its competitors, or among market participants. Instead, the proposed rule change is designed to allow the SPY Pilot Program to continue as other SROs have adopted similar provisions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [5] and Rule 19b–4(f)(6) thereunder.[6] Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [8] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [9] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay, noting that the Exchange believes a waiver of the operative delay is consistent with the protection of investors and the public interest because it would ensure fair competition among the exchanges by allowing the SPY Pilot Program to continue without interruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–64 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2014–64. 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

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6).

[7] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–64, and should be submitted on or before January 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29815 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73853; File No. SR–OCC–2014–22]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of a Proposed Rule Change, and Amendment No. 1 Thereto, To Establish Procedures Regarding the Monthly Resizing of its Clearing Fund and the Addition of Financial Resources

December 16, 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 December 1, 2014, The Options Clearing Corporation (''OCC'') 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 by OCC. On December 16, 2014, OCC filed Amendment No. 1 to the proposed rule change.[3] This Amendment No. 1 amends and replaces in its entirety the proposed rule change as originally filed on December 1, 2014. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

OCC proposes to establish procedures regarding the monthly resizing of its Clearing Fund and the addition of financial resources through intra-day margin calls and/or an intra-month increase of the Clearing Fund to ensure that it maintains adequate financial resources in the event of a default of a Clearing Member or group of affiliated Clearing Members presenting the largest exposure to OCC.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This Amendment No. 1 to SR–OCC–2014–22 (''Filing'') amends and replaces in its entirety the Filing as originally submitted on December 1, 2014. The purpose of this Amendment No. 1 to the Filing is to include the procedures that support the processes described in Item 3 of the Filing as Exhibit 5A, Monthly Clearing Fund Sizing Procedure, and Exhibit 5B, Financial Resources Monitoring and Call Procedure.

The proposed rule change is intended to describe the situations in which OCC would exercise authority under its Rules to ensure that it maintains adequate Financial Resources[4] in the event that stress tests reveal a default of the Clearing Member or Clearing Member Group[5] presenting the largest exposure would threaten the then-current Financial Resources. This proposed rule change would establish procedures governing: (i) OCC's resizing of the Clearing Fund on a monthly basis pursuant to Rule 1001(a) (the ''Monthly Clearing Fund Sizing Procedure''); and (ii) the addition of Financial Resources through an intra-day margin call on one or more Clearing Members under Rule 609 and, if necessary, an intra-month increase of the Clearing Fund pursuant to Rule 1001(a) (the ''Financial Resource Monitoring and Call Procedure'').[6] The Monthly Clearing Fund Sizing Procedure would permit OCC to determine the size of the Clearing Fund by relying on a broader range of sound risk management practices than those historically used under Rule 1001(a).[7] The Financial Resource Monitoring and Call Procedure would require OCC to collect additional Financial Resources in certain circumstances, establish how OCC calculates and collects such resources and provide the timing by which such resources would be required to be deposited by Clearing Members.

Background

OCC monitors the sufficiency of the Clearing Fund on a daily basis but, prior to emergency action taken on October 15, 2014,[8] OCC had no express authority to increase the size of the Clearing Fund on an intra-month basis.[9] During ordinary course daily monitoring on October 15, 2014, and as a result of increased volatility in the financial markets in October 2014, OCC determined that the Financial Resources needed to cover the potential loss associated with a default of the Clearing Member or Clearing Member Group presenting the largest exposure could

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, OCC amended the filing to include the Monthly Clearing Fund Sizing Procedure and the Financial Resource Monitoring and Call Procedure as exhibits to the filing, both defined hereinafter, as Exhibits 5A and 5B, respectively.

[4] ''Financial Resources'' means, with respect to a projected loss attributable to a particular Clearing Member, the sum of the margin deposits and deposits in lieu of margin in respect of such Clearing Member' accounts, and the value of OCC's Clearing Fund, including both the Base Amount, as defined below, and the prudential margin of safety, as discussed below.

[5] ''Clearing Member Group'' means a Clearing Member and any affiliated entities that control, are controlled by or are under common control with such Clearing Member. *See* OCC By-Laws, Article I, Sections 1.C.(15) and 1.M(11).

[6] This proposed rule filing has also been filed as an advance notice filing (SR–OCC–2014–811).

[7] The procedures described herein would be in effect until the development of a new standard Clearing Fund sizing methodology. Following such development, which will include a quantitative approach to calculating the ''prudential margin of safety,'' as discussed below, OCC will file a separate rule change and advance notice with the Commission that will include a description of the new methodology as well as a revised Monthly Clearing Fund Sizing Procedure.

[8] On October 15, 2014, OCC filed an emergency notice with the Commission to suspend the effectiveness of the second sentence of Rule 1001(a). *See* Securities Exchange Act Release No. 73579 (November 12, 2014), 79 FR 68747 (November 18, 2014) (SR–OCC–2014–807). On November 13, 2014, OCC filed SR–OCC–2014–21 with the Commission to delete the second sentence of Rule 1001(a), preserving the suspended effectiveness of that sentence until such time as the Commission approves or disapproves SR–OCC–2014–21. *See* Securities Exchange Act Release No. 73685 (November 25, 2014) (SR–OCC–2014–21). At the time of this filing, the referenced Securities Exchange Act Release had not yet been published in the **Federal Register**.

[9] *See* OCC Rule 1001(a).

have exceeded the Financial Resources then available to apply to such a default.

To permit OCC to increase the size of its Clearing Fund prior to the next monthly resizing that was scheduled to take place on the first business day of November 2014, OCC's Executive Chairman, on October 15, 2014, exercised certain emergency powers as set forth in Article IX, Section 14 of OCC's By-Laws[10] to waive the effectiveness of the second sentence of Rule 1001(a), which states that OCC will adjust the size of the Clearing Fund monthly and that any resizing will be based on data from the preceding month. OCC then filed an emergency notice with the Commission pursuant to Section 806(e)(2) of the Payment, Clearing and Settlement Supervision Act of 2010[11] and increased the Clearing Fund size for the remainder of October 2014 as otherwise provided for in the first sentence of Rule 1001(a).[12]

Clearing Members were informed of the action taken by the Executive Chairman[13] and the amount of their additional Clearing Fund requirements, which were met without incident. As a result of these actions, OCC's Clearing Fund for October 2014 was increased by $1.8 billion. In continued reliance on the emergency rule waiver and in accordance with the first sentence of Rule 1001(a), OCC set the November 2014 Clearing Fund size at $7.8 billion, which included an amount determined by OCC to be sufficient to protect OCC against loss under simulated default scenarios (*i.e.,* $6 billion), plus a prudential margin of safety (the additional $1.8 billion collected in October).[14] All required contributions to the November 2014 Clearing Fund were met by affected Clearing Members.

Under Article IX, Section 14(c), absent the submission of a proposed rule change to the Commission seeking approval of OCC's waiver of the provisions of the second sentence of Rule 1001(a), such waiver would not be permitted to continue for more than thirty calendar days from the date thereof.[15] Accordingly, on November 13, 2014, OCC submitted SR–OCC–2014–21 to delete the second sentence of Rule 1001(a) and, by the terms of Article IX, Section 14(c), preserve the suspended effectiveness of the second sentence of Rule 1001(a) beyond thirty calendar days.[16]

SR–OCC–2014–21 was submitted in part to permit OCC to determine the size of its Clearing Fund by relying on a broader range of sound risk management practices than considered in basing such size on the average daily calculations under Rule 1001(a) that are performed during the preceding calendar month. The Monthly Clearing Fund Sizing Procedure, as described below, is based on such broader risk management practices and establishes the procedures OCC would use to determine the size of the Clearing Fund on a monthly basis. Similarly, SR–OCC–2014–21 was submitted in part to permit OCC to resize the Clearing Fund more frequently than monthly when the circumstances warrant an increase of the Clearing Fund. The Financial Resource Monitoring and Call Procedure, as described below, establishes the procedures that OCC would use to add Financial Resources through an intra-day margin call on one or more Clearing Members under Rule 609 and, if necessary, an intra-month increase of the Clearing Fund pursuant to Rule 1001(a).[17]

Monthly Clearing Fund Sizing Procedure

Under the Monthly Clearing Fund Sizing Procedure, OCC would continue to calculate the size of the Clearing Fund based on its daily stress test exposures under simulated default scenarios as described in the first sentence of Rule 1001(a) and resize the Clearing Fund on the first business day of each month. However, instead of resizing the Clearing Fund based on the average of the daily calculations during the preceding calendar month, as stated in the suspended second sentence of Rule 1001, OCC would resize the Clearing Fund so that it is the sum of: (i) An amount equal to the peak five-day rolling average of Clearing Fund draws observed over the preceding three calendar months of daily idiosyncratic default and minor systemic default scenario calculations based on OCC's daily Monte Carlo simulations (''Base Amount'') and (ii) a prudential margin of safety determined by OCC and currently set at $1.8 billion.[18]

OCC believes that the proposed Monthly Clearing Fund Sizing Procedure provides a sound and prudent approach to ensure that the Financial Resources are adequate to protect against the largest risk of loss presented by the default of a Clearing Member or Clearing Member Group. By virtue of using only the peak five-day rolling average and by extending the look-back period, the proposed Monthly Clearing Fund Sizing Procedure is both more responsive to sudden increases in exposure and less susceptible to recently observed decreases in exposure that would reduce the overall sizing of the Clearing Fund, thus mitigating procyclicality.[19] Furthermore, the prudential margin of safety provides an additional buffer to absorb potential future exposures not previously observed during the look-back period. The proposed Monthly Clearing Fund Sizing Procedure would be supplemented by the Financial Resource Monitoring and Call Procedure, described below, to provide further assurance that the Financial Resources are adequate to protect against such risk of loss.

Financial Resource Monitoring and Call Procedure

Under the Financial Resource Monitoring and Call Procedure, OCC would use the same daily idiosyncratic default calculation as under the Monthly Clearing Fund Sizing Procedure to monitor daily the adequacy of the Financial Resources to withstand a default by the Clearing Member or Clearing Member Group presenting the largest exposure under

[10] OCC also has submitted an advance notice that would provide greater detail concerning conditions under which OCC would increase the size of the Clearing Fund intra-month. The change would permit an intra-month increase in the event that the five-day rolling average of projected draws are 150% or more of the Clearing Fund's then current size. *See* Securities Exchange Act Release No. 72804 (August 11, 2014), 79 FR 48276 (August 15, 2014) (SR–OCC–2014–804).

[11] 12 U.S.C. 5465(e)(2).

[12] *See supra,* note 6.

[13] *See* Information Memorandum #35397, dated October 16, 2014, available on OCC's Web site, *http://www.theocc.com/clearing/clearing-infomemos/infomemos1.jsp.* Clearing members also were informed that a prudential margin of safety of $1.8 billion would be retained until a new Clearing Fund sizing formula has been approved and implemented.

[14] *See* Information Memorandum #35507, dated October 31, 2014, available on OCC's Web site, *http://www.theocc.com/clearing/clearing-infomemos/infomemos1.jsp.*

[15] *See* OCC By-Laws, Article IX, Section 14(c).

[16] *See supra,* note 6. OCC also submitted this proposed rule change to the Commodity Futures Trading Commission.

[17] As noted in SR–OCC–2014–21, OCC would use its intra-month resizing authority only to increase the size of the Clearing Fund where appropriate, not to decrease the size of the Clearing Fund.

[18] On a daily basis, OCC computes its exposure under the idiosyncratic and minor systemic events. The greater of these two exposures is that day's ''peak exposure.'' To calculate the ''rolling five day average'' OCC computes the average of the peak exposure for each consecutive five-day period observed over the prior three-month period. To determine the Base Amount, OCC would use the largest five-day rolling average observed over the past three-months. This methodology was used to determine the Base Amount of the Clearing Fund for November 2014 and December 2014.

[19] Considering only the peak exposures is a more conservative methodology that gives greater weighting to sudden increases in exposure experienced by Clearing Members, thus enhancing the responsiveness of the procedure to such sudden increases. By using a longer look-back period, the methodology would respond more slowly to recently observed decreases in peak exposures.

extreme but plausible market conditions.[20] If such a daily idiosyncratic default calculation projected a draw on the Clearing Fund (a ''Projected Draw'') that is at least 75% of the Clearing Fund maintained by OCC, OCC would be required to issue an intra-day margin call pursuant to Rule 609 against the Clearing Member or Clearing Member Group that caused such a draw (''Margin Call Event'').[21] Subject to a limitation described below, the amount of the margin call would be the difference between the Projected Draw and the Base Clearing Fund (''Exceedance Above Base Amount''). In the case of a Clearing Member Group that causes the Exceedance Above Base Amount, the Exceedance Above Base Amount would be pro-rated among the individual Clearing Members that compose the Clearing Member Group based on each individual Clearing Member's proportionate share of the ''total risk'' for such Clearing Member Group as defined in Rule 1001(b), *i.e.,* the margin requirement with respect to all accounts of the Clearing Member Group exclusive of the net asset value of the positions in such accounts aggregated across all such accounts. However, in the case of an individual Clearing Member or a Clearing Member Group, the margin call would be subject to a limitation under which it could not exceed the lower[22] of: (a) $500 million, or (b) 100% of a Clearing Member's net capital, measured cumulatively with any other funds deposited with OCC by the same Clearing Member pursuant to a Margin Call Event within the same month (the ''500/100 Limitation'').[23]

Upon satisfaction of the margin call, OCC would use its authority under Rule 608 to preclude the withdrawal of such additional margin amount until the next monthly resizing of the Clearing Fund. Based on three years of back testing data, OCC determined that it would have had Margin Call Events in 10 of the months during this time period. For each of these months, the maximum call amount would have been equal to $500 million, with one exception in which the maximum call amount for the month was $7.7 million.[24] After giving effect to the intra-day margin calls, *i.e.,* by increasing the Financial Resources by $500 million, there was only one Margin Call Event where there was an observed stress test exceedance of the Financial Resources.

To address this one observed instance, the Financial Resource Monitoring and Call Procedure also would require OCC to increase the size of the Clearing Fund (''Clearing Fund Intra-month Increase Event'') if a Projected Draw exceeds 90% of the Clearing Fund, after applying any funds then on deposit with OCC from the applicable Clearing Member or Clearing Member Group pursuant to a Margin Call Event. The amount of such increase (''Clearing Fund Increase'') would be the greater of: (a) $1 billion; or (b) 125% of the difference between (i) the Projected Draw, as reduced by the deposits resulting from the Margin Call Event and (ii) the Clearing Fund. Each Clearing Member's proportionate share of the Clearing Fund Increase would equal its proportionate share of the variable portion of the Clearing Fund for the month in question as calculated pursuant to Rule 1001(b). OCC would notify the Risk Committee of the Board of Directors (the ''Risk Committee''), Clearing Members and appropriate regulatory authorities of the Clearing Fund Increase on the business day on which the Clearing Fund Intra-month Increase Event occurred. This ensures that OCC management maintains authority to address any potential Financial Resource deficiencies when compared to its Projected Draw estimates. The Risk Committee would then determine whether the Clearing Fund Increase was sufficient, and would retain authority to increase the Clearing Fund Increase or the margin call made pursuant to a Margin Call Event in its discretion. Clearing Members would be required to meet the call for additional Clearing Fund assets by 9:00 a.m. CT on the second business day following the Clearing Fund Intra-Month Increase Event. OCC believes that this collection process ensures additional Clearing Fund assets are promptly deposited by Clearing Members following notice of a Clearing Fund Increase, while also providing Clearing Members with a reasonable period of time to source such assets. Based on OCC's back testing results, after giving effect to the intra-day margin call in response to a Margin Call Event plus the prudential margin of safety, the Financial Resources would have been sufficient upon implementing the one instance of a Clearing Fund Intra-month Increase Event.

OCC believes the Financial Resource Monitoring and Call Procedure strikes a prudent balance between mutualizing the burden of requiring additional Financial Resources and requiring the Clearing Member or Clearing Member Group causing the increased exposure to bear such burden. As noted above, in the event of a Margin Call Event, OCC limits the margin call to a monthly aggregate of $500 million, or 100% of a Clearing Member's net capital in order to avoid putting an undue liquidity strain on any one Clearing Member. However, where a Projected Draw exceeds 90% of OCC's Clearing Fund, OCC must act to ensure that it has sufficient Financial Resources, and determined that it should mutualize the burden of the additional Financial Resources at this threshold through a Clearing Fund Increase. OCC believes that this balance would provide OCC with sufficient Financial Resources without increasing the likelihood that its procedures would, based solely on stress testing results, cause a liquidity strain on any on Clearing Member that could result in such member's default.

The following examples illustrate the manner in which the Financial Resource Monitoring and Call Procedure would be applied. All assume that the Clearing Fund size is $7.8 billion, $6 billion of which is the Base Amount and $1.8 billion of which is the prudential margin of safety. The 75% threshold in these examples is $5.85 billion.

Example 1: Single CM Under OCC's stress testing the Projected Draw attributable to Clearing Member ABC, a Clearing Member with no affiliated Clearing Members and net capital of $500 million, is $6.4 billion, or 82% of the Clearing Fund. OCC would make a margin call for $400 million, which

[20] Since the minor systemic default scenario contemplates two Clearing Members' simultaneously defaulting and OCC maintains Financial Resources sufficient to cover a default by a Clearing Member or Clearing Member Group representing the greatest exposure to OCC, OCC does not use the minor systemic default scenario to determine the adequacy of the Financial Resources under the Financial Resource Monitoring and Call Procedure.

[21] Rule 609 authorizes OCC to require the deposit of additional margin in any account at any time during any business day by any Clearing Member for, *inter alia,* the protection of OCC, other Clearing Members or the general public. Clearing Members must meet a required deposit of intra-day margin in immediately available funds at a time prescribed by OCC or within one hour of OCC's issuance of debit settlement instructions against the bank account(s) of the applicable Clearing Member(s), thereby ensuring the prompt deposit of additional Financial Resources.

[22] ''Capping'' the intra-day margin call avoids placing a ''liquidity squeeze'' on the subject Clearing Member(s) based on exposures presented by a hypothetical stress test, which would have the potential for causing a default on the intra-day margin call. Back testing results determined that such calls would have been made against Clearing Members that are large, well-capitalized firms, with more than sufficient resources to satisfy the call for additional margin with the proposed limitations.

[23] The Risk Committee would be notified, and could take action to address potential Financial Resource deficiencies, in the event that a Projected Draw resulted in a Margin Call Event and as a result of the 500/100 Limitation the margin call was less than the Exceedance Above Base Amount, but the Projected Draw was not so large as to result in an increase in the Clearing Fund as discussed below.

[24] The back testing analysis performed assumed a single Clearing Member caused the exceedance.

represents the Exceedance Above Base Amount. In this case the 500/100 Limitation would not be applicable because the Exceedance Above Base Amount is less than $500 million and 100% of the Clearing Member's net capital. The Clearing Member would be required to meet the $400 million call within one hour unless OCC prescribed a different time, and OCC would retain the $400 million until the next monthly Clearing Fund sizing calculation.

If, on a different day within the same month, CM ABC's Projected Draw minus the $400 million already deposited with OCC results in an Exceedance above Base Amount, another Margin Call Event would be triggered, with the amount currently deposited with OCC applying toward the 500/100 Limitation.

Example 2: Clearing Member Group Under OCC's stress testing the Projected Draw attributable to Clearing Member Group DEF, comprised of two Clearing Members each with net capital of $800 million, is $6.2 billion, or 79% of OCC's Clearing Fund. OCC would initiate a margin call on Clearing Member Group DEF for $200 million. The call would be allocated to the two Clearing Members that compose the Clearing Member Group based on each Clearing Member's risk margin allocation. In this case the 500/100 Limitation would not be applicable because the Exceedance Above Base Amount is less than $500 million and 100% of net capital. The margin call would be required to be met within one hour of the call unless OCC prescribed a different time. For example, in the case where one Clearing Member accounts for 75% of the risk margin for the Clearing Member Group, that Clearing Member would be allocated $150 million of the call and the other Clearing Member, accounting for 25% of the risk margin for the Clearing Member Group, would be allocated $50 million of the call. The funds would remain deposited with OCC until the next monthly Clearing Fund sizing calculation.

Example 3: Clearing Member Group with $500 Million Cap Under OCC's stress testing the Projected Draw attributable to Clearing Member Group GHI, comprised of two Clearing Members each with net capital of $800 million, is $6.8 billion, or 87% of the Clearing Fund. The Exceedance Above Base Amount would be $800 million, allocated to the two Clearing Members that compose the Clearing Member Group based on each Clearing Member's risk margin allocation. Using the 75/25 risk margin allocation from Example 2, one Clearing Member would be allocated $600 million and the other Clearing Member would be allocated $200 million. The first Clearing Member would be required to deposit $500 million with OCC, which is the lowest of $500 million, that member's net capital, or that member's share of the Exceedance Above Base Amount, and the other Clearing Member would be required to deposit $200 million with OCC. After collecting the additional margin, OCC would determine whether the Projected Draw would exceed 90% of the Clearing Fund after reducing the Projected Draw by the additional margin. This calculation would divide a Projected Draw of $6.1 billion, which is the original Projected Draw of $6.8 billion reduced by the additional margin, by the Clearing Fund of $7.8 billion. The resulting percentage of 78% would be below the 90% threshold, and accordingly there would not be a Clearing Fund Intra-month Increase Event.

Example 4: Margin Call and Increase in Size of Clearing Fund Under OCC's stress testing the Projected Draw attributable to Clearing Member JKL, a Clearing Member with no affiliated Clearing Members and net capital of $600 million, is $10.0 billion, or 128% of the Clearing Fund. OCC would make a margin call for $500 million, which represents the lowest of the Exceedance Above Base Amount, $500 million and 100% of net capital. The Clearing Member would be required to meet the $500 million call within one hour unless OCC prescribed a different time, and OCC would retain the $500 million until the next monthly Clearing Fund sizing calculation.

After collecting the additional margin, OCC would determine whether the Projected Draw would exceed 90% of the Clearing Fund after reducing the Projected Draw by the additional margin. This calculation would divide a Projected Draw of $9.5 billion, which is the original Projected Draw of $10 billion reduced by the additional margin, by the Clearing Fund of $7.8 billion. The resulting percentage of 122%, while lower, would still exceed the 90% threshold, and accordingly OCC would declare a Clearing Fund Intra-month Increase Event. To calculate the Clearing Fund Increase, OCC would first determine the difference between the modified Projected Draw ($9.5 billion) and the Clearing Fund ($7.8 billion), which in this case would be $1.7 billion, OCC would then multiply this by 1.25, resulting in $2.125 billion. Because this amount is greater than $1 billion, the Clearing Fund Increase would be $2.125 billion and a modified Clearing Fund of OCC totaling $9.925 billion ($425 million in excess of the modified Projected Draw of $9.5 billion).

2. Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[25] and the rules and regulations thereunder. By establishing sound procedures governing the monthly resizing of the Clearing Fund and how OCC would add Financial Resources in response to a Margin Call Event and a Clearing Fund Intra-month Increase Event, the proposed modifications would further ensure that OCC is capable of safeguarding securities and funds which are in the custody or control of OCC or for which it is responsible and protecting investors and the public interest. The development of the Monthly Clearing Fund Sizing Procedure and the Financial Resource Monitoring and Call Procedure also ensures that OCC has procedures designed to maintain sufficient financial resources to withstand, at a minimum, a default by the participant family to which it has the largest exposure in extreme but plausible market conditions, in compliance with Rule 17Ad–22(b)(3).[26]

(B) Clearing Agency's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.[27] OCC believes the proposed rule change would not unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user because OCC would establish the size of the Clearing Fund in accordance with the Monthly Clearing Fund Sizing Procedure and without regard to any particular user or Clearing Member that makes Clearing Fund contributions. Furthermore, OCC would respond to a Margin Call Event and Clearing Fund Intra-month Increase Event in accordance with the Financial Resource Monitoring and Call Procedure without regard to any particular user or Clearing Member.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies, and would not impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

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

[25] 15 U.S.C. 78q–1(b)(3)(F).

[26] 17 CFR 240.17Ad–22(b)(3).

[27] 15 U.S.C. 78–q1(b)(3)(I).

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–OCC–2014–22 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–2014–22. 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 OCC and on OCC's Web site at *http://www.theocc.com/about/publications/bylaws.jsp.* 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–2014–22 and should be submitted on or before January 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29820 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73848; File No. SR–MIAX–2014–62]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC To Amend the MIAX Options Fee Schedule

December 16, 2014.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 10, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its marketing fee. The marketing fee is assessed on certain transactions of all Market Makers.[4] The funds collected via this marketing fee are then put into pools controlled by Primary Lead Market Makers (''PLMMs'') and LMMs. The PLMM or LMM controlling a certain pool of funds can then determine the Electronic Exchange Member(s) (''EEM'') to which the funds should be directed in order to encourage such EEM(s) to send orders to the Exchange. In accordance with Exchange Rule 514, an EEM can designate an order (''Directed Order'') to a specific LMM.

Currently, Section 1(b) of the Fee Schedule, provides that the Exchange will assess a Marketing Fee to all Market Makers for contracts, including mini options, they execute in their assigned classes when the contra-party to the execution is a Priority Customer. MIAX will not assess a Marketing Fee to Market Makers for contracts executed as a PRIME Agency Order, Contra-side Order, or a PRIME AOC Response in the PRIME Auction; unless, it executes against an unrelated order.

The Exchange proposes to amend the Marketing Fee in order to add an additional incentive for order flow providers to post additional Priority Customer orders on the Exchange's Book. Specifically, the Exchange proposes to assess an additional $0.12 per contract Posted Liquidity Marketing Fee to all Market Makers for any standard options overlying EEM, GLD, IWM, QQQ, and SPY that Market Makers execute in their assigned class (*e.g.*, SPY) when the contra-party to the execution is a Priority Customer and the Priority Customer order was posted on the Book at the time of the execution. MIAX will not assess the additional Posted Liquidity Marketing Fee to Market Makers for contracts executed as a PRIME Agency Order, Contra-side Order, or a PRIME AOC Response in the PRIME Auction. MIAX will also not

[28] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] MIAX initially filed a similar proposal for only SPY options on November 25, 2014, and indicated in its filing that it would implement the new fee on December 1, 2014. *See* File No. SR–MIAX–2014–59. On December 10, 2014, MIAX withdrew that filing and submitted this filing.

[4] *See* MIAX Options Fee Schedule, Section (1)(b), entitled Marketing Fee for more detail regarding the marketing fee.

assess the additional Posted Liquidity Marketing Fee to Market Makers for contracts executed pursuant to a Liquidity Refresh Pause, route timer, or during the Opening Process. The Post [sic] Liquidity Marketing Fee will be in addition to the current Marketing Fee of $0.25 per contract for standard options overlying SPY [5] that Market Makers execute in their assigned class (*e.g.*, SPY) when the contra-party to the execution is a Priority Customer. The new proposed Post [sic] Liquidity Marketing Fee will otherwise operate in a similar manner as the standard Marketing Fee, with the additional $0.12 per contract going into the broader Marketing Fee ''pool'' for the Directed LMM or the PLMM in EEM, GLD, IWM, QQQ or SPY, respectively.[6]

The purpose of the additional marketing fee is to further encourage Members to post additional Priority Customer orders on the Exchange's Book in these high volume symbols. Increased Priority Customer orders on the Exchange's Book will provide for greater liquidity, which benefits all market participants on the Exchange. The practice of incentivizing increased retail customer order flow in order to attract professional liquidity providers (Market-Makers) is, and has been, commonly practiced in the options markets. As such, marketing fee programs,[7] and customer posting incentive programs,[8] are based on attracting public customer order flow. The practice of providing additional incentives to increase order flow in high volume symbols is, and has been, commonly practiced in the options markets.[9] The proposed marketing fee similarly intends to attract Priority Customer order flow, which will increase liquidity, thereby providing greater trading opportunities and tighter spreads for other market participants and causing a corresponding increase in order flow from such other market participants in EEM, GLD, IWM, QQQ, and SPY.[10] Increasing the number of orders sent to the Exchange will in turn provide tighter and more liquid markets, and therefore attract more business overall.

At this time, the Exchange does not propose a Post [sic] Liquidity Marketing Fee for mini options. Mini options in [sic] are not traded in significant volume across the industry and, as such, MIAX, in consultation with its market makers, does not seek to incentivize order routers to send such orders to MIAX by extending the new marketing fee to posted Priority Customer orders in mini options on SPY and GLD.[11] In addition, because of the lack of significant volume and limited demand in the industry to trade mini options, the Exchange believes that having a marketing fee for mini options that is in some cases lower than the fees for standard contracts, is appropriate, not unreasonable, not unfairly discriminatory and not burdensome on competition between participants, or between the Exchange and other exchanges in the listed options marketplace.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act [12] in general, and furthers the objectives of Section 6(b)(4) of the Act [13] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The proposed changes are designed to incentivize order flow providers to post additional Priority Customer orders in EEM, GLD, IWM, QQQ, and SPY options on the Exchange's Book. The proposed marketing fee rate is reasonable in that although it results in a marketing fee that is slightly higher than similar marketing fee programs, it is still in the range of marketing fee programs on other competing exchanges which charge lower marketing fees for Penny Pilot options classes versus non-Penny Pilot options classes.[14] The proposed rebate program is fair, equitable, and not unreasonably discriminatory because it will apply equally to all Market Makers that execute against Priority Customer orders in EEM, GLD, IWM, QQQ, and SPY options posted on the Exchange's Book. All similarly situated Market Makers that execute against Priority Customer orders in EEM, GLD, IWM, QQQ, and SPY options that are posted to the Exchange's Book are subject to the same marketing fee, and access to the Exchange is offered on terms that are not unfairly discriminatory. In addition, the proposal is equitable and not unfairly discriminatory because, while only posted Priority Customer order flow qualifies for the additional marketing fee, an increase in Priority Customer orders posted to the Exchange's Book will bring greater volume and liquidity as market participants compete to trade with the additional Priority Customer order flow, which benefit all market participants by providing more trading opportunities and tighter spreads. Market participants want to trade with Priority Customer order flow. To the extent the posting of Priority Customer orders on the Exchange's Book is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders and providing narrower and larger sized quotations in the effort to trade with such Priority Customer order flow. The resulting increased volume and liquidity will benefit non-Market Makers that do not pay the proposed fee and do not qualify for the marketing fee program at all, by providing more trading opportunities and tighter spreads as market participants increasingly compete by sending more orders and providing narrower and larger sized quotations in the effort to trade with such Priority Customer order flow. In addition, the proposed change is equitable and not unfairly discriminatory because it is designed to allow LMMs to encourage greater order flow to be sent to the Exchange. The Exchange believes it is equitable to assess marketing fees on Market Makers and not non-Market Makers because the benefits of the marketing fee program flow to PLMM and Directed LMMs that can use the marketing fee funds to attract additional flow to the exchange, which benefits Market Makers. A LMM could be able to amass a greater pool of funds with which to use to incent order flow providers to send order flow to the Exchange. This increased order flow would benefit all market participants on the Exchange as well.

[5] The Commission notes that MIAX's proposal also covers standard options overlying EEM, GLD, IWM, and QQQ.

[6] The Commission notes that the symbols MIAX lists in this sentence refer to the respective overlying options class.

[7] *See* MIAX Fee Schedule, Section 1(b); CBOE, Fee Schedule, p. 4; NYSE Amex Options Fee Schedule, p. 6.

[8] *See* NYSE Arca, Inc. Fees Schedule, page 4 (section titled ''Customer Monthly Posting Credit Tiers and Qualifications for Executions in Penny Pilot Issues'').

[9] *See* International Securities Exchange, LLC, Schedule of Fees, p. 6 (providing reduced fee rates for order flow in Select Symbols); NASDAQ OMX PHLX, Pricing Schedule, Section I (providing a rebate for adding liquidity in SPY); NYSE Arca, Inc. Fees Schedule, page 4 (section titled ''Customer Monthly Posting Credit Tiers and Qualifications for Executions in Penny Pilot Issues'').

[10] The Commission notes that the symbols MIAX lists in this sentence refer to the respective overlying options class.

[11] The Exchange notes that mini options are currently listed on SPY, AAPL, GLD, GOOGL, and AMZN. If the Exchange were to extend the new Marketing Fee to mini options, since there are no mini options on EEM, IWM, and QQQ, the Exchange would not be able to assess an additional marketing fee for mini options in such symbols, but instead would be limited to assessing the additional fee on SPY and GLD.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] *See* CBOE, Fee Schedule, p. 4; NYSE Amex Options Fee Schedule, p. 6.

The Exchange believes that specifying that PRIME Order executions, Liquidity Reference Pause, route timer, and Opening Process executions are not subject to the proposed marketing fee is reasonable, equitable and not unfairly discriminatory. The Exchange is seeking to encourage the posting of additional Priority Customer orders to the Exchange's Book and these four excluded functionalities involve RFR messages that are related to encouraging additional trading interest from within the market participants on the Exchange. The Exchange believes that charging additional marketing fees from Market Makers in these situations may discourage participation in responding to RFR messages. The exclusion of PRIME Order executions, Liquidity Reference Pause, route timer, and Opening Process executions from the additional marketing fee will continue to encourage as many participants as possible to respond; which the Exchange believes will help the RFR message processes to continue to lead to greater opportunities for price improvement for all orders subject to PRIME, the Liquidity Refresh Pause, route timer, or Opening Process not just those entered on behalf of customers. In addition, the Exchange designed the new fee to encourage the posting of additional Priority Customer orders during regular trading hours; which is exclusive of the Opening Process. Thus, for these reasons, the Exchange believes that excluding PRIME Order executions, Liquidity Reference Pause, route timer, and Opening Process executions from the proposed marketing fees is reasonable, equitable and not unfairly discriminatory.

The Exchange believes that its proposal to assess the additional marketing fee for transaction fees in EEM, GLD, IWM, QQQ, and SPY options, and not other options classes, is consistent with other options markets that provide additional incentives to increase order flow in high volume symbols including assessing different marketing fees for Penny Pilot options classes as compared to non-Penny Pilot options classes.[15] The Exchange believes that establishing different pricing for EEM, GLD, IWM, QQQ, and SPY options and Penny Pilot options is reasonable, equitable, and not unfairly discriminatory because EEM, GLD, IWM, QQQ, and SPY options are more liquid options as compared to other Penny Pilot options and the Exchange wants to incentivize order flow providers to send such orders to MIAX in order to increase trading opportunities and overall volume executed on the Exchange. Finally, the Exchange believes that the proposal to assess to an additional marketing fee for standard transactions and not mini options is reasonable because of the lack of significant volume and limited demand in the industry to trade mini options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal is designed to encourage an increase in Priority Customer orders in EEM, GLD, IWM, QQQ, and SPY options posted to the Exchange's Book in order to bring greater volume and liquidity, which benefit all market participants by providing more trading opportunities and tighter spreads. To the extent the posting of Priority Customer orders in EEM, GLD, IWM, QQQ, and SPY options on the Exchange's Book is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders and providing narrower and larger sized quotations in the effort to trade with such Priority Customer order flow. The resulting increased volume and liquidity will benefit non-Market Makers that do not pay the proposed fee and do not qualify for the marketing fee program at all, by providing more trading opportunities and tighter spreads. To the extent that there is additional competitive burden on market participants that are not Priority Customers or Market Makers or trading in other symbols, the Exchange believes that this is appropriate because the proposal should incent Members to direct additional order flow to the Exchange and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. The Exchange believes that the proposed rule change reflects this competitive environment because it establishes a fee structure in a manner that encourages market participants to direct their order flow, to provide liquidity, and to attract additional transaction volume to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–62 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities

[15] *See* CBOE, Fee Schedule, p. 4; NYSE Amex Options Fee Schedule, p. 6; International Securities Exchange, LLC, Schedule of Fees, p. 6 (providing reduced fee rates for order flow in Select Symbols); NASDAQ OMX PHLX, Pricing Schedule, Section I (providing a rebate for adding liquidity in SPY); NYSE Arca, Inc. Fees Schedule, page 4 (section titled ''Customer Monthly Posting Credit Tiers and Qualifications for Executions in Penny Pilot Issues'').

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MIAX–2014–62. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–62 and should be submitted on or before January 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29817 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73850 ; File No. SR–MIAX–2014–63]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC To Amend Its Fee Schedule

December 16, 2014.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 10, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend its Fee Schedule.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to: (i) Adopt a transaction fee for options overlying EEM, GLD, IWM, QQQ, and SPY executed by non-MIAX Market Makers; and (ii) provide an additional incentive for achieving certain Priority Customer Rebate Program volume tiers.

The Exchange proposes to adopt a $0.55 per contract transaction fee for non-MIAX Market Makers for options overlying EEM, GLD, IWM, QQQ, and SPY. The Exchange notes that the transaction fees for non-MIAX Market Makers in all other options classes will not change and thus will continue to be charged the same amount for non-Penny Pilot options classes and Penny Pilot options classes as they do today.

The Exchange proposes to offer non-MIAX Market Makers the opportunity to reduce transaction fees by $0.02 per contract in standard options in EEM, GLD, IWM, QQQ, and SPY in the same manner as Penny Pilot options classes and non-Penny Pilot options classes.[4] Specifically, any Member or its affiliates of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, that qualifies for Priority Customer Rebate Program volume tiers 3, 4, or 5 and is a non-MIAX Market Maker will be assessed $0.53 per contract for standard options in EEM, GLD, IWM, QQQ, and SPY. The Exchange believes that these incentives will encourage non-MIAX Market Makers to transact a greater number of orders on the Exchange.

The purpose of the proposed fee change is to increase the transaction fee for non-MIAX Market Makers in EEM, GLD, IWM, QQQ, and SPY[5] so that the transaction fees for Market Makers in EEM, GLD, IWM, QQQ, and SPY[6] remain lower as compared to non-MIAX Market Makers.[7] For example, assume both member and non-member market makers execute against a Priority Customer order in SPY posted on the Exchange's book and executes enough monthly transaction volume to qualify for tier 1 of the Market Maker sliding scale: MIAX–MM1 fees = $0.54 [(0.17 transaction fee) + (0.25 marketing fee) + (0.12 posted liquidity marketing fee)] and Away-MM2 fees = $0.55. Absent this proposal, Away-MM2 would be assessed $0.47 per contract which would be less than the $0.54 per contract of MIAX–MM1. The Exchange notes that maintaining this fee differential encourages market participants to become members and register as Market Makers versus otherwise sending orders to the Exchange as a non-MIAX Market Maker in order to avoid a higher transaction fee.

At this time, the Exchange does not propose a change in the corresponding fees for mini options. Mini options are not traded in significant volume across

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] MIAX initially filed a similar proposal for only SPY options on November 25, 2014, and indicated in its filing that it would implement the new fee on December 1, 2014. *See* File No. MIAX–2014–60. On December 10, 2014, MIAX withdrew that filing and submitted this filing.

[4] *See* MIAX Options Fee Schedule, Section (1)(a)(ii).

[5] The Commission notes that the symbols MIAX lists in this sentence refer to the respective overlying options class.

[6] *Id.*

[7] The Exchange notes that in a companion filing, the Exchange recently filed to add an additional marketing fee of $0.12 per contract for Priority Customers in EEM, GLD, IWM, QQQ, and SPY options posted on the Exchange's Book. *See* MIAX–2014–62.

the industry and, as such, MIAX does not seek to incentivize order routers to send such orders to MIAX by extending the new marketing fee to posted Priority Customer orders in mini options on SPY and GLD.[8] Thus, the Exchange believes it is unnecessary to increase the non-MIAX Market Maker transaction fee in mini options since there is no corresponding change in the marketing fees in mini options to compensate for.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(4) of the Act[10] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange's proposed transaction fees for non-MIAX Market Makers in EEM, GLD, IWM, QQQ, and SPY[11] are reasonable in order for the net transaction fee for non-MIAX Market Makers to remain higher than Market Makers in a manner that is designed to encourage market participants to become members and register as Market Makers versus otherwise sending orders to the Exchange as a non-MIAX Market Maker in order to avoid a higher transaction fee. The Exchange's proposal to increase the transaction fees for non-MIAX Market Makers in options overlying EEM, GLD, IWM, QQQ, and SPY is equitable and not unfairly discriminatory because the increase applies equally to all non-MIAX Market Makers. In addition, maintaining a higher transaction fee for non-MIAX Market Makers versus Market Markers is equitable and not unfairly discriminatory because Market Markers on the Exchange have enhanced quoting obligations measured in both quantity (% time) and quality (minimum bid-ask differentials) that other market participants do not have.[12] In addition, charging non-members higher transaction fees is a common practice amongst exchanges because Members are subject to other fees and dues associated with their membership to the Exchange that do not apply to non-members. The proposed differentiation as between non-MIAX Market Makers, Market Makers, and other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. Maintaining a lower transaction fee for Market Makers should incent market participants and market makers on other exchanges to register as Market Makers on the Exchange, which will enhance the quality of quoting and increase the volume of contracts traded in options listed on MIAX. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the increase in Market Maker activity on the Exchange will benefit all market participants and improve competition on the Exchange.

The Exchange's proposal to offer non-MIAX Market Makers the opportunity to reduce transaction fees by $0.02 per contract in standard options in EEM, GLD, IWM, QQQ, and SPY in the same manner as Penny Pilot options classes and non-Penny Pilot options classes, provided certain criteria are met, is reasonable because the Exchange desires to offer all such market participants an opportunity to lower their transaction fees. The Exchange's proposal to offer non-MIAX Market Makers the opportunity to reduce transaction fees by $0.02 per contract in standard options in EEM, GLD, IWM, QQQ, and SPY, provided certain criteria are met, is equitable and not unfairly discriminatory because the Exchange will offer all non-MIAX Market Makers in EEM, GLD, IWM, QQQ, and SPY[13] a means to reduce transaction fees by qualifying for volume tiers in the Priority Customer Rebate Program. The Exchange believes that offering non-MIAX Market Makers that transaction [sic] in EEM, GLD, IWM, QQQ, and SPY[14] the same opportunity as non-MIAX Maker Makers in other options classes, to lower transaction fees by incentivizing them to transact Priority Customer order flow, in turn benefits all market participants.

The Exchange believes that establishing different pricing for EEM, GLD, IWM, QQQ, and SPY options and Penny Pilot options is reasonable, equitable, and not unfairly discriminatory because EEM, GLD, IWM, and SPY options are more liquid options as compared to other Penny Pilot options and the Exchange wants to incentivize to encourage market participants to become members and register as Market Makers versus otherwise sending orders to the Exchange as a non-MIAX Market Maker in order to avoid a higher transaction fee in these high volume symbols. Finally, the Exchange believes that the proposal to assess a higher transaction fee for standard transactions and not mini options is reasonable because of the lack of significant volume and limited demand in the industry to trade mini options and also because there is no corresponding change in the marketing fees in mini options in these symbols to compensate for.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal is designed to maintain Market Maker transaction fees in EEM, GLD, IWM, QQQ, and SPY[15] that are lower than non-MIAX Market Makers. To the extent that there is additional competitive burden on non-MIAX Market Makers, the Exchange believes that this is appropriate because charging non-members higher transaction fees is a common practice amongst exchanges and Members are subject to other fees and dues associated with their membership to the Exchange that do not apply to non-members. The proposed differentiation as between non-MIAX Market Makers, Market Makers, and other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. Maintaining a lower transaction fee for Market Makers should incent market participants and market makers on other exchanges to register as Market Makers on the Exchange, which will enhance the quality of quoting and increase the volume of contracts traded in options listed on MIAX. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange. The Exchange notes that it operates in a

[8] The Exchange notes that mini options are currently listed on SPY, AAPL, GLD, GOOGL, and AMZN. If the Exchange were to extend the new Marketing Fee to mini options, since there are no mini options on EEM, IWM, and QQQ, the Exchange would not be able to assess an additional marketing fee for mini options in such symbols, but instead would be limited to assessing the additional fee on SPY and GLD. *See* SR–MIAX–2014–62.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] The Commission notes that the symbols MIAX lists in this sentence refer to the respective overlying options class.

[12] *See* MIAX Rules 603, 604, 605.

[13] The Commission notes that the symbols MIAX lists in this sentence refer to the respective overlying options class.

[14] *Id.*

[15] *Id.*

highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposal reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–63 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MIAX–2014–63. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–63 and should be submitted on or before January 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29819 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73847; File No. SR–NYSEMKT–2014–106]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Commentary .07 to Rule 904 To Extend the Pilot Program That Eliminated the Position Limits for Options on SPDR S&P 500 ETF

December 16, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 12, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .07 to Rule 904 to extend the pilot program that eliminated the position limits for options on SPDR S&P 500 ETF (''SPY'') (''SPY Pilot Program''). The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Commentary .07 to Rule 904 to extend the time period of the SPY Pilot Program,[3] which is currently scheduled to expire on December 15, 2014, through July 12, 2015.

This filing does not propose any substantive changes to the SPY Pilot Program. In proposing to extend the SPY Pilot Program, the Exchange reaffirms its consideration of several factors that supported the original proposal of the SPY Pilot Program, including (1) the availability of economically equivalent products and their respective position limits, (2) the liquidity of the option and the underlying security, (3) the market capitalization of the underlying security and the related index, (4) the reporting of large positions and requirements surrounding margin, and (5) the potential for market on close volatility.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012).

In the original proposal to establish the SPY Pilot Program, the Exchange stated that if it were to propose an extension, permanent approval or termination of the program, the Exchange would submit, along with any filing proposing such amendments to the program, a report providing an analysis of the SPY Pilot Program covering the first twelve (12) months during which the SPY Pilot Program was in effect (the ''Pilot Report'').[4] Accordingly, the Exchange is submitting the Pilot Report detailing the Exchange's experience with the SPY Pilot Program. The Pilot Report is attached as Exhibit 3 to this filing. The Exchange notes that it is unaware of any problems created by the SPY Pilot Program and does not foresee any as a result of the proposed extension. In extending the SPY Pilot Program, the Exchange states that if it were to propose another extension, permanent approval or termination of the program, the Exchange will submit another Pilot Report covering the period since the previous extension, which will be submitted at least 30 days before the end of the proposed extension.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that extending the SPY Pilot Program promotes just and equitable principles of trade by permitting market participants, including market makers, institutional investors and retail investors, to establish greater positions when pursuing their investment goals and needs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any aspect of competition, whether between the Exchange and its competitors, or among market participants. Instead, the proposed rule change is designed to allow the SPY Pilot Program to continue as other SROs have adopted similar provisions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8] Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[9]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[10] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[11] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiving the 30-day operative delay is appropriate and will benefit market participants because immediate operability would allow the SPY Pilot Program to continue without interruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[12]

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–NYSEMKT–2014–106 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–106. 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

[4] *Id.*

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the five-day prefiling requirement in this case.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2014–106, and should be submitted on or before January 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29816 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73843; File No. SR–NASDAQ–2014–065]

Self-Regulatory Organizations; NASDAQ Stock Market LLC, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt New Rule 5713 and List Paired Class Shares Issued by AccuShares® Commodities Trust I

December 16, 2014.

On June 11, 2014, The NASDAQ Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to: (1) Adopt listing standards for Paired Class Shares in new Rule 5713; and (2) list and trade Paired Class Shares issued by AccuShares® Commodities Trust I relating to the following funds pursuant to new Rule 5713—(a) AccuShares S&P GSCI® Spot Fund; (b) AccuShares S&P GSCI® Agriculture and Livestock Spot Fund; (c) AccuShares S&P GSCI® Industrial Metals Spot Fund; (d) AccuShares S&P GSCI® Crude Oil Spot Fund; (e) AccuShares S&P GSCI® Brent Oil Spot Fund; (f) AccuShares S&P GSCI® Natural Gas Spot Fund; and (g) AccuShares Spot CBOE® VIX® Fund. The proposed rule change was published for comment in the **Federal Register** on June 23, 2014.[3] On August 6, 2014, pursuant to Section 19(b)(2) of the Act,[4] 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 approve or disapprove the proposed rule change.[5] On September 18, 2014, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.[7] In the Order Instituting Proceedings, the Commission solicited responses to specified matters related to the proposal.[8] Subsequently, the Commission received six comment letters regarding the proposed rule change.[9]

Section 19(b)(2) of the Act [10] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of the filing of the proposed rule change. The Commission may, however, extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on June 23, 2014.[11] The 180th day after publication of the notice of the filing of the proposed rule change in the **Federal Register** is December 20, 2014.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the comment letters submitted in response to the Order Instituting Proceedings.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[12] designates February 18, 2015 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NASDAQ–2014–065).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29813 Filed 12–19–14; 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. 72412 (June 17, 2014), 79 FR 35610.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 72779, 79 FR 47162 (Aug. 12, 2014). The Commission designated a longer period within which to take action on the proposed rule change and designated September 19, 2014 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 73142, 79 FR 57150 (Sept. 24, 2014) (''Order Instituting Proceedings''). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' *See id.* at 57157.

[8] *See id.*

[9] *See* Letter from Jack Fonss, CEO and Co-Founder of the Sponsor, to Kevin O'Neill, Deputy Secretary, Commission (Sept. 25, 2015); Letter from Robert E. Whaley, Valere Blair Potter Professor of Finance, Director, Financial Markets Research Center, Vanderbilt Owen Graduate School of Management, to Kevin O'Neill, Deputy Secretary, Commission (Oct. 8, 2014); Letter from David B. Allen to Commission (Oct. 11, 2014); Letter from Mark Kassner to Commission (Oct. 13, 2014); Letter from Ned Cataldo, Chief Operating Officer and Co-Founder of the Sponsor, to Heather Seidel, Associate Director, Commission (Oct. 24, 2014); Letter from Jurij Trypupenko, Associate General Counsel, Exchange, to Brent J. Fields, Secretary, Commission (Oct. 28, 2014). All comment letters are available at: *http://www.sec.gov/comments/sr-nasdaq-2014-065/nasdaq2014065.shtml.*

[10] 15 U.S.C. 78s(b)(2).

[11] *See supra* note 3 and accompanying text.

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73849; File No. SR–CME–2014–51]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Enhancements to Its Risk Model for Credit Default Swaps

December 16, 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 December 8, 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

[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).

proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed change relating to the Risk Model for Credit Default Swaps (''CDS'') (the ''CDS Risk Model'') (such enhanced model, the ''Proposed CDS Risk Model'') will apply only to broad-based index CDS products cleared by CME and will not apply to security-based swaps.

CME is proposing to change its current CDS Margin Model as follows (such new model, the ''Proposed CDS Margin Model''):

- Replacing the current multiple market risk factors with a single market risk component calculated by reference to scenarios obtained within a statistical framework that addresses relevant market risk factors affecting a given CDS portfolio;
- Enhancing the Idiosyncratic Risk Component with a more systematic approach that avoids double counting of risk with other elements of the Proposed CDS Margin Model;
- Enhancing the Liquidity/Concentration Risk Component to incorporate reference entity or index series and maturity-specific liquidity features and to address liquidation risk for highly concentrated positions with a progressively increasing margin requirement;
- Adding a risk component for interest rate/discount curve risk; and
- Addressing foreign exchange (''F/X'') related risk that may result from CDS portfolios that include CDS positions denominated in multiple currencies.

Further, CME proposes to amend its CDS Stress Test Methodology to align with the Proposed CDS Margin Model framework. The CDS Guaranty Fund will continue to be sized so that CME's financial resources are sufficient to meet its financial obligations to its CDS Clearing Members, notwithstanding a default by the two CDS Clearing Members creating the largest loss in extreme but plausible market conditions based upon the results of the new CDS Stress Test Methodology.

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

a. Purpose

1. Description of the Proposed Changes to the CDS Margin Model

CME is proposing to make changes to the existing CDS Margin Model by changing the current Market Risk Factor, the Idiosyncratic Risk Factor and the Liquidity/Concentration Risk Factor as well as adding a new Interest Rate Sensitivity Component, and a methodology for addressing new F/X related risks for CDS portfolios denominated in multiple currencies. The Proposed CDS Margin Model aims to holistically model the risk of a CDS portfolio comprised of a variety of index and single-name CDS products using statistically derived scenarios.

1.1 Proposed Changes for Market Risk Component

To reflect the variations in market value of a CDS portfolio, which may be comprised of positions in different index and single-name CDS products with different maturities, CME is proposing to use a scenario-based approach which relies on a statistical model, for the Market Risk Component. The statistical model is designed to generate scenarios that aim to reproduce the salient characteristics of marginal and joint movement of credit spreads across different index series or reference entity and maturity combinations.

The scenarios used for the modeling of the Market Risk Component are based on the log changes in:

- Par-spreads for ''run-rank'' (on-the-run (''OTR''), OTR–1, OTR–2, . . .) index CDS at standard maturities (1, 3, 5, 7 and 10 years); and
- Par-spreads for single-name CDS at standard maturities (1, 3, 5, 7 and 10 years).

A joint probability distribution for the 5-day log changes in par spreads is estimated using historical data on daily log changes in par spreads, which are the driving risk factors of the Proposed CDS Margin Model. The distributional characteristics of these risk factors are represented through time-varying autocorrelations, volatilities and tail risk parameters.

The volatility of each risk factor is an exponentially weighted moving average floored at an equal-weighted long-run average. The dependence across risk factors is modeled by historical and stressed correlation matrices combined with a copula function to model tail-risk dependence. The new statistical model allows CME to generate extreme but plausible spread scenarios across different index series and/or reference entities and maturities. Both the volatility floor and stressed correlation matrices add counter-cyclical features to the Market Risk Component.

CME will employ a Monte Carlo simulation approach to generate spread scenarios for computing the Market Risk Component as further described below. The proposed Market Risk Component (''MR'') is represented by the following formula:

$$MR = BMR + DR$$

where

- the Base Market Risk Component (BMR) is determined as the Value-at-Risk (''VaR'') at a 99% confidence level for the CDS portfolio's theoretical changes in value over 5 days. This corresponds to the 1% greatest negative change in the CDS portfolio value based on spread scenarios generated by Monte Carlo simulation by reference to historical correlation matrix estimate; and
- the Dependence Risk Component (DR) is determined by computing the VaR at a 99% confidence level under stressed correlation scenarios for the CDS portfolio's theoretical changes in value over 5 days. A low and high correlation VaR is estimated through the 1% greatest negative change in the CDS portfolio value based on spread scenarios generated by Monte Carlo simulation by reference to stressed low and high correlation matrices, respectively. DR is computed as the excess of the greater of the low and high correlation VaR over BMR, multiplied by a risk-aversion coefficient.[5]

The proposed Market Risk Component aims to more accurately capture different sources of market risk through a holistic and theoretically coherent scenario-based approach that is driven by conservative statistical assumptions. CME notes that the current CDS Margin Model relies on separate add-on factors which are modeled and calibrated in isolation and gives rise to the potential for double counting. Varying degrees of volatility and tail risks across par spreads of different index series or reference entities at different maturities are not represented in the current CDS Margin Model. Historical correlations, tail dependence

[5] The risk-aversion coefficient was determined by back testing a collection of theoretical and production portfolios.

and correlation risk are not explicitly and consistently accounted for within the current CDS Margin Model. In contrast, spread volatility and tail risks are modeled precisely and consistently in the Proposed CDS Margin Model. The effects of historical correlations, tail dependence and correlation risk on the co-movement of spreads of CDS products are explicitly addressed in the Proposed CDS Margin Model.

The risk factors of the current CDS Margin Model such as curve, sector and convergence/divergence are replaced by a scenario-based approach which incorporates historical correlation matrices into the market risk computation. The Market Risk Component also aims to capture correlation risk that might arise from relying exclusively on historically-estimated correlations which can change under extreme market conditions. The correlation risk is addressed by employing two extreme correlation scenarios (high correlations and low correlations) to compute DR which addresses the risk of long-short or diversified portfolios driven by correlation uncertainty.

Additionally, the proposed Market Risk Component incorporates counter-cyclical features for calibration and modeling of volatilities, autocorrelations and correlations.

In comparison to the existing model, the proposed change to the manner in which the market risk is assessed may, in isolation, result in a reduction in the margin requirement for market risk. CME believes that this margin reduction does not come at the expense of adding more risk to the CME Clearing House since the statistical model and its different components were shown to appropriately cover the risk of a wide range of theoretical and production portfolios under extreme but plausible market conditions and in historical back testing, going back to 2008.

1.2 Proposed Idiosyncratic Risk Component

The Idiosyncratic Risk Component is intended to address CME's potential exposure to possible ''jump-to-default'' (''JTD'') risk due to default of a reference entity as well as ''jump to health'' (''JTH'') risk where a reference entity benefits from an extreme drop in credit spreads (due to an improvement in credit quality) (in each case, beyond what is covered by the Market Risk Component). JTD risk of a reference entity is driven by the exposure to a scenario which reduces the price of the reference entity to a stressed recovery rate. JTH risk of a reference entity is driven by the exposure to a scenario which is a drastic improvement in credit quality of the entity. In addition to the price differential under current market and idiosyncratic scenarios, both JTD and JTH margin requirements take into account the risk concentration to a reference entity through dependence on position size. Within the Proposed CDS Margin Model, only the marginal risk contribution of idiosyncratic events will be reflected in the risk component. This is accomplished by coherent modeling of the associated market and idiosyncratic risks. Both JTD and JTH margin requirements are estimated by the difference between the pure market risk of the portfolio and the sum of the idiosyncratic risk and the market risk of the portfolio, excluding positions in the reference entity which drives the Idiosyncratic Risk Component.

1.3 New Interest Rate Sensitivity Component

CME is proposing to introduce a new Interest Rate Sensitivity Component to capture the effect of changes in interest rates (relevant to the underlying discount curve) on the market value of CDS portfolios. The calculation of the Interest Rate Sensitivity Component relies on applying parallel up and down shocks to the discount curve relevant to the index series or reference entity.

1.4 Proposed Change to the Liquidity/Concentration Risk Component

The Liquidity/Concentration Risk Component is designed to reflect CME's costs during the liquidation of a CDS portfolio following a CDS Clearing Member default, resulting from widening bid/ask spreads and/or increasing liquidation times due to the size of the CDS portfolio and/or event-driven liquidity squeezes. The proposed changes to the Liquidity/Concentration Risk Component are intended to add granularity to the modeling of liquidity/concentration risk by taking into account varying liquidity profiles across index series or reference entities and relevant maturities. The different liquidity characteristics of various index families/series and reference entities are modeled using trading volume data on the specific index series or reference entities. The dependence on trading volume data enables the model to more sensitively react to changes in trading activity. The modeling of relative liquidity of instruments at different maturities relies on an analysis of bid/ask spreads across maturities for both index and single-name CDS products. Concentration risk is addressed by a progressively increasing super-linear dependence on position size relative to the trading volume of the underlying reference entity or index series and relevant maturity.

The enhancements in the proposed Liquidity/Concentration Risk Component result in higher liquidity risk margin requirements for off-the-run indices, which are generally in line with the change in observed trading activity when a series becomes off-the-run. For single-name CDS, the proposed Liquidity/Concentration Risk Component results in higher liquidity risk margin requirements for reference entities with relatively low trading volume. Furthermore, the proposed Liquidity/Concentration Risk Component generally yields higher liquidity risk margin requirements for short and long dated contracts.

An analysis of proposed Liquidity/Concentration Risk Component on an indicative set of CDS portfolios reveals that the proposed Liquidity/Concentration Risk Component responds as expected to concentration, diversification and hedging. The overall effect of the enhancements made to the Liquidity/Concentration Risk Component is to reduce risk to the CME Clearing House by conservatively increasing margin requirements for positions which are expected to be more difficult to close out.

1.5 New F/X Related Risk Component

CME is proposing to address F/X related risks associated with the inclusion of non-USD denominated CDS positions in CDS portfolios (each a ''Non-USD CDS Positions''). As proposed above, CME will allow for correlation based risk offsets with respect to both Market Risk Components and Idiosyncratic Risk Components of the Proposed CDS Margin Model. The calculation of such risk offsets will require that the Market Risk Components and Idiosyncratic Risk Components be calculated in USD (or other such common/base currency as may be chosen from time to time). In order to calculate the USD requirements, profit and loss due to market and idiosyncratic factors (''P&L'') will be converted into their USD equivalents based on conservative F/X rates. The USD equivalent requirements for the Market Risk Component and the Idiosyncratic Risk Component will then be apportioned into each currency specific sub-portfolio based on its Market Risk Component and Idiosyncratic Risk Component requirements.

With respect to the Interest Rate Sensitivity Component and the Liquidity Risk/Concentration Component of the Proposed CDS Margin Model, where CME does not propose to

offer risk or diversification offsets, only currency specific margin requirements are computed.

The overall risk requirement for each specific currency is then calculated as the sum of (a) the currency specific Liquidity/Concentration Risk Component requirement, (b) the currency specific Interest Rate Sensitivity Component requirement, and (c) the sum of the Market Risk Component and the Idiosyncratic Risk Component requirement (apportioned to each specific currency). Under the Proposed CDS Margin Model, CME will inform clearing members of their margin requirements with respect to their multi-currency CDS positions in amounts that are required to be posted for each denominated currency in their portfolios.

2. Description of the Proposed Changes to Stress Test Methodology

2.1 Proposed Changes to CDS Stress Test Methodology for Sizing and Allocation of CDS Financial Resources

CME currently utilizes a stressed extension of its margin model to size the CDS Guaranty Fund and CDS Assessments (as defined in the CME Rules). The ''potential residual loss'' used to size and allocate the CDS Guaranty Fund and CDS Assessments is determined as the excess of the stressed exposure for CDS products over the margin deposited for CDS products. CME is proposing changes to the CDS Stress Test Methodology in order to align it with the Proposed CDS Margin Model. The proposed CDS Stress Test Methodology will rely on more extreme and counter-cyclical scenarios for the calculation of the different risk components compared to the scenarios used in the Proposed CDS Margin Model.

2.2 CDS Manual of Operations

In connection with the implementation of the Proposed CDS Risk Model, CME is deleting chapters in the Manual of Operations for CME Cleared Credit Default Swaps (the ''CDS Manual'') which relate to outdated aspects of the CDS Risk Model.

2.3 Portfolio Margining Implications [6]

The Proposed CDS Margin Model relies on a statistical model to support a scenario-based approach in line with the joint probability distribution characteristics of par spreads of index series or reference entities across standard maturities. The Market Risk Component of the Proposed CDS Margin Model provides risk offsets between single-name CDS positions and index CDS positions. Such risk offsets are driven by the dependence structure across spread scenarios imposed by historical and counter-cyclical stressed correlations.

The Interest Rate Sensitivity Component for a portfolio containing index and single-name CDS products is designed as an aggregate risk component across index and single-name CDS positions.

Under the Proposed CDS Margin Model, the JTD component of the margin is computed by aggregating the exposure to the default of a reference entity in both single-name CDS positions and index CDS positions. CME relies on a decomposition model to compute the JTD component of the margin requirement for a CDS portfolio containing index and single-name CDS products.

The Liquidity/Concentration Risk Component of the Proposed CDS Margin Model is driven by an expected liquidation process in which the market risk exposure of the portfolio is first hedged with the most liquid CDS instrument and then the resulting basis (hedged) portfolio is liquidated. The margin requirements of the Liquidity/Concentration Risk Component that are driven by market risk hedging costs are calculated by aggregating the market risk exposure of the index and single-name CDS positions. Index and single-name CDS positions are handled separately for the calculation of the basis risk margin requirement (due to unwinding of hedged positions) of the Liquidity/Concentration Risk Component and also for the modeling of the concentration margin requirement as a function of position size.

b. Statutory Basis

CME believes the proposed rule change is consistent with the requirements of the Exchange Act, including Section 17A of the Exchange Act [7] and the applicable regulations thereunder. The proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[8]

The proposed rule change accomplishes these objectives because it is intended to more accurately capture different sources of risk through a holistic and theoretically coherent scenario-based approach that is driven by conservative statistical assumptions, which in turn allows CME to appropriately cover the risk of a wide range of theoretical and production portfolios under extreme but plausible market conditions and in historical back testing, going back to 2008. In particular, the amendments will enhance CME's margin methodology by more accurately addressing F/X risk presented by clearing index CDS contracts.

CME will also promote the efficient use of margin for the clearinghouse and its Clearing Members and their customers, by enabling CME to provide appropriate portfolio margining treatment between index and single-name CDS positions and as such contribute to the safeguarding of securities and funds in CME's custody or control or for which CME is responsible and the protection of investors.[9]

CME also believes the proposed rule change is consistent with the requirements of Rule 17Ad–22 of the Exchange Act.[10] In particular, in terms of financial resources, CME believes that the proposed rule change will continue to ensure sufficient margin to cover its credit exposure to its clearing members, consistent with the requirements of Rule 17Ad–22(b)(2) [11] and Rule 17Ad–22(d)(14) [12] and that the CDS Guaranty Fund contributions and required margin will provide sufficient financial resources to withstand a default by the two participant families to which it has the largest exposures in extreme but plausible market conditions consistent with the requirements of Rule 17Ad–22(b)(3).[13] In addition, CME believes that the proposed rule change is consistent with CME's requirement to limit its exposures to potential losses from defaults by its participants under normal market conditions pursuant to Rule 17Ad–22(b)(1).[14] CME also believes that the proposed rule change will continue to allow for it to take timely action to contain losses and liquidity pressures and to continue

[6] Pursuant to a teleconference with CME's in-house counsel on December 12, 2014, CME confirmed that the Portfolio Margining Methodology described herein will not apply to Restructuring European Single Name CDS Contracts.

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] Id.

[10] 17 CFR 240.19b–4.

[11] 17 CFR 240.17Ad–22(b)(2).

[12] 17 CFR 240.17Ad–22(d)(14).

[13] 17 CFR 240.17Ad–22(b)(3).

[14] 17 CFR 240.17Ad–22(b)(1).

meeting its obligations in the event of clearing member insolvencies or defaults, in accordance with Rule 17Ad–22(d)(11).[15]

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 rule change reflects enhancements to CME's CDS Risk Model. Consequently, CME does not believe that the proposed rule changes would significantly affect the ability of Clearing Members or other market participants to continue to clear CDS, consistent with the risk management requirements of CME, or otherwise limit market participants' choices for selecting clearing services. For the foregoing reasons, the Proposed CDS Risk Model does not, in CME's view, impose any unnecessary or inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the Proposed CDS Risk Model have not been solicited or received. CME will notify the Commission of any written comments received by CME.

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)[16] of the Act and Rule 19b–4(f)(4)(ii)[17] 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.[18] 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 Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CME–2014–51 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–CME–2014–51. 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–2014–51 and should be submitted on or before January 12, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29818 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 240.17Ad–22(d)(11).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(4)(ii).

[18] *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.

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73845; File No. SR–BATS–2014–066]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

December 16, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 3, 2014, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

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 the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members [5] and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make a number of clarifying, non-substantive changes to the ''Options Pricing'' section of its fee schedule effective immediately, in order to convert the existing fee schedule into a chart format. The Exchange has already made similar changes to the equities portion of the fee schedule and is now proposing to make such changes as they relate to the fees and rebates applicable to activity on the Exchange's options platform (''BATS Options''). The Exchange believes that these changes will provide greater transparency to Members about how the Exchange assesses fees and calculates rebates, as well as allowing Members to more easily validate their bills on a monthly basis. The Exchange notes that none of these changes substantively amend any fee or rebate, nor do they alter the manner in which the Exchange assesses fees or calculates rebates. Specifically, the Exchange is proposing the following:

- To more clearly separate pricing applicable to BATS Options from the Exchange's current fee schedule, which will remain applicable to the Exchange's equities trading platform (''BATS Equities''). Although the Exchange has always maintained a single fee schedule applicable to BATS Options and BATS Equities, the Exchange believes that separating the fee schedules will reduce potential confusion. Accordingly, in addition to the header of the fee schedule, the Exchange proposes to adopt a new effective date for the proposed BATS Options fee schedule but to retain the existing effective date for BATS Equities pricing.
- To make clear that rebates are indicated by parentheses.
- To state the following: The rates listed in the Standard Rates table apply unless a Member's transaction is assigned a fee code other than a standard fee code. If a Member's transaction is assigned a fee code other than a standard fee code, the rates listed in the Fee Codes and Associated Fees table will apply. Footnotes provide further explanatory text or, where annotated to fee codes, indicate variable rate changes, provided the conditions in the footnote are met.
- To add a section and chart titled ''Standard Rates,'' which will include the standard fees and rebates for Penny Pilot securities, Non-Penny Pilot securities, and Mini Options for each order capacity, including Customer, Professional, Firm, and Market Maker.
- To add a section titled ''Fee Codes and Associated Fees,'' which will include the fee or rebate, fee code, and a description for each possible execution that could occur on the Exchange or on another venue.
- To add a section titled ''Definitions,'' which will include definitions that are defined in the current fee schedule. These include the definitions listed below, which are identical to definitions contained on the Exchange's current fee schedule, with the exception that the Exchange has combined the definitions of Options Step-Up Add TCV and September Options Step-Up Add TCV into Options Step-Up Add TCV without specifying a baseline month. Instead, the Exchange has proposed to specify the baseline month in the portion of the fee schedule where the Options Step-Up Add TCV is applicable, which the Exchange believes will help to avoid potential confusion between applicable step-up tiers. ''ADAV'' means average daily added volume calculated as the number of contracts added and ''ADV'' means average daily volume calculated as the number of contracts added or removed, combined, per day. ADAV and ADV are calculated on a monthly basis, excluding contracts added or removed on any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours (''Exchange System Disruption'') and on any day with a scheduled early market close. Routed contracts are not included in ADAV or ADV calculation. With prior notice to the Exchange, a Member may aggregate ADAV or ADV with other Members that control, are controlled by, or are under common control with such Member. ''Options Step-Up Add TCV'' means ADAV as a percentage of TCV in the relevant baseline month subtracted from current ADAV as a percentage of TCV. ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges to the consolidated transaction reporting plan for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close. ''Customer'' applies to any transaction identified by a Member for clearing in the Customer range at the Options Clearing Corporation (''OCC''), excluding any transaction for a ''Professional'' as defined in Exchange Rule 16.1. ''Firm'' applies to any transaction identified by a Member for clearing in the Firm range at the OCC. ''Market Maker'' applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC. ''Professional'' applies to any transaction identified by a Member as such pursuant to Exchange Rule 16.1. ''Penny Pilot Securities'' are those issues quoted pursuant to Exchange Rule 21.5, Interpretation and Policy .01.
- To add a section titled ''General Notes,'' that will include the following notes: The Exchange notes that to the extent a Member does not qualify for any of the tiers listed below, the rates listed in the above section titled Fee Codes and Associated Fees will apply; and to the extent a Member qualifies for higher rebates and/or lower fees than those provided by a tier for which such Member qualifies, the higher rebates and/or lower fees shall apply.
- To add a series of footnotes describing all tiers applicable to trading on BATS Options, including Customer Penny Pilot Add Tiers, Professional and Firm Penny Pilot Add Tier, Professional, Firm and Market Maker

[5] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

Penny Pilot Take Tier, NBBO Setter Tiers, and Quoting Incentive Program Tiers.

To add new sections and charts titled ''Options Logical Port Fees'' and ''Options Physical Connection Fees,'' which, other than being in chart form, will be identical to the current fee schedule. As it relates to physical connection fees, the Exchange notes that such fees relate only to the total number of physical connections that a Member has to the Systems.[6] More specifically, this means that to the extent that a Member has a physical connection to the Exchange that they use for the purpose of connecting to both BATS Equities and BATS Options Systems, such Member would only be charged for one physical connection. Although this information is duplicative, the Exchange believes it is important with the proposed bifurcation of fees applicable to BATS Equities and BATS Options to include connectivity fees on the fee schedule for BATS Options so that Members that have their only or primary relationship with BATS Options have easy access to information regarding such fees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[7] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[8] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues or providers of routing services if they deem fee levels to be excessive.

The Exchange believes that the proposed changes are reasonable and equitable because they are non-substantive and the Exchange is not changing any fees or rebates that apply to trading activity on BATS Options or routed executions. Further, the changes are designed to make the fee schedule easier to read and for Members to validate the bills that they receive from the Exchange. The Exchange also believes that the proposal is non-discriminatory because it applies uniformly to all Members, and again, the Exchange is not making any changes to existing fees and rebates. Finally, the Exchange believes that the proposed fee schedule will be clearer and less confusing for investors and will eliminate potential investor confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. To the contrary, the Exchange believes that the changes will both make the fee schedule easier to read and simultaneously provide Members with an easier way to validate their bills on a monthly basis, both of which the Exchange believes are important components of customer service and which will allow the Exchange to better compete for order flow. The Exchange reiterates that the changes are only to the format of the fee schedule and are entirely non-substantive. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if the deem fee structures to be unreasonable or excessive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and paragraph (f)(2) of Rule 19b–4 thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2014–066 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2014–066. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2014–066 and should be submitted on or before January 12, 2015.

[6] System is defined in BATS Rule 1.5(aa) and 16.1(a)(59).

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–29814 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2014–0079]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes a revision of an OMB-approved information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*.

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*.

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2014–0079].

SSA submitted the information collection below to OMB for clearance. Your comments regarding the information collection would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than January 21, 2015. Individuals can obtain copies of the OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov.*

Statement of Funds You Provided to Another and Statement of Funds You Received—20 CFR 416.1103(f)—0960–0481. SSA uses Forms SSA–2854 (Statement of Funds You Provided to Another) and SSA–2855 (Statement of Funds You Received) to gather information to verify if a loan is bona fide for Supplemental Security Income (SSI) recipients. Form SSA–2854 asks the lender for details on the transaction, and Form SSA–2855 asks the borrower the same basic questions independently. Agency personnel then compare the two statements, gather evidence if needed, and make a decision on the validity of the bona fide status of the loan.

For SSI purposes, we consider a loan bona fide if it meets these requirements:

- Must be between a borrower and lender with the understanding that the borrower has an obligation to repay the money;
- Must be in effect at the time the cash goes to the borrower, that is, the agreement cannot come after the cash is paid; and
- Must be enforceable under State law, often there are additional requirements from the State.

SSA collects this information at the time of initial application for SSI or at any point when an individual alleges being party to an informal loan while receiving SSI. SSA collects information on the informal loan through both interviews and mailed forms. The agency's field personnel conduct the interviews and mail the form(s) for completion, as needed. The respondents are SSI recipients and applicants, and individuals who lend money to them.

Type of Request: Revision of an OMB-approved information collection.

Modality of collection	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–2854	20,000	1	10	3,333
SSA–2855	20,000	1	10	3,333
Totals	40,000			6,666

Dated: December 17, 2014.

Faye Lipsky,

Reports Clearance Director, Social Security Administration.

[FR Doc. 2014–29821 Filed 12–19–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Flightcrew Member Duty and Rest Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Reporting and recordkeeping are required any time a certificated air carrier has exceeded a maximum daily flight time limit or a maximum daily Flight Duty Period (FDP) limit. It is also required for the voluntary development of a Fatigue Risk Management System (FRMS), and for fatigue training.

DATES: Written comments should be submitted by February 20, 2015.

ADDRESSES: Send comments to the FAA at the following address: Ms. Kathy DePaepe, Room 126B, Federal Aviation Administration, ASP–110, 6500 S. MacArthur Blvd., Oklahoma City, OK 73169.

[11] 17 CFR 200.30–3(a)(12).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0751.

Title: Flightcrew Member Duty and Rest Requirements.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The FAA collects reports from air carriers certificated under 14 CFR part 121 as prescribed in 14 CFR part 117, 117.11 and 117.19 of the Flightcrew Member Duty and Rest Requirements. The purpose for the reports is to notify the FAA that the certificate holder has extended a flight time and/or FDP limitation. Additionally, if air carriers choose to develop a Fatigue Risk Management System (FRMS) they are required to collect data specific to the need of the operation for which they will seek an FRMS authorization. It will result in an annual recordkeeping and reporting burden if some of industry carriers eventually adopt the system so that they need to report the related activities to the FAA. Each air carrier is required to develop specific elements and incorporate these elements into their training program. Once the elements have been incorporated, the air carrier must submit the revised training program for approval.

Respondents: 67 certificated air carriers.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 20 hours.

Estimated Total Annual Burden: 3,178 hours.

Issued in Washington, DC, on December 17, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–29897 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Organization Designation Authorization

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. This collection involves organizations applying to perform certification functions on behalf of the FAA, including approving data and issuing various aircraft and organization certificates.

DATES: Written comments should be submitted by February 20, 2015.

ADDRESSES: Send comments to the FAA at the following address: Ms. Kathy DePaepe, Room 126B, Federal Aviation Administration, ASP–110, 6500 S. MacArthur Blvd., Oklahoma City, OK 73169.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0704.

Title: Organization Designation Authorization.

Form Numbers: FAA Form 8100–13.

Type of Review: Renewal of an information collection.

Background: Subpart D to part 183 allows the FAA to appoint organizations as representatives of the administrator. As authorized, these organizations perform certification functions on behalf of the FAA. Applications are submitted to the appropriate FAA office and are reviewed by the FAA to determine whether the applicant meets the requirements necessary to be authorized as a representative of the Administrator. Procedures manuals are submitted and approved by the FAA as a means to ensure that the correct processes are utilized when performing functions on behalf of the FAA. These requirements are necessary to manage the various approvals issued by the organization and to document approvals issued and must be maintained in order to address potential future safety issues.

Respondents: Approximately 83 applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 41.7 hours.

Estimated Total Annual Burden: 5,158 hours.

Issued in Washington, DC, on December 17, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–29893 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Financial Responsibility for Licensed Launch Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Information is used to determine if licensees have complied with financial responsibility requirements (including maximum probable loss determination) as set forth in FAA regulations.

DATES: Written comments should be submitted by February 20, 2015.

ADDRESSES: Send comments to the FAA at the following address: Ms. Kathy DePaepe, Room 126B, Federal Aviation Administration, ASP–110, 6500 S. MacArthur Blvd., Oklahoma City, OK 73169.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a)

Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0601.

Title: Financial Responsibility for Licensed Launch Activities.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: This collection is applicable upon concurrence of requests for conducting commercial launch operations as prescribed in 14 CFR parts 401, *et al,* Commercial Space Transportation Licensing Regulation. A commercial space launch services provider must complete the Launch Operators License, Launch-Specific License or Experimental Permit in order to gain authorization for conducting commercial launch operations.

Respondents: 6 commercial space launch services providers.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 100 hours.

Estimated Total Annual Burden: 600 hours.

Issued in Washington, DC on December 17, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–29905 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Aircraft Registration Renewal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collected on an Aircraft Registration Renewal Application, AC Form 8050–1B, is used by the FAA to verify and update aircraft registration information collected for an aircraft when it was first registered.

DATES: Written comments should be submitted by February 20, 2015.

ADDRESSES: Send comments to the FAA at the following address: Ms. Kathy DePaepe, Room 126B, Federal Aviation Administration, ASP–110, 6500 S. MacArthur Blvd., Oklahoma City, OK 73169.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0729.

Title: Aircraft Registration Renewal.

Form Numbers: AC Form 8050–1B.

Type of Review: Renewal of an information collection.

Background: The information collected on an Aircraft Registration Renewal Application (AC Form 8050–1B) is used by the FAA to verify and update the aircraft registration information collected for an aircraft when it was first registered. The updated registration database will then be used by the FAA to monitor and control U.S. airspace and to distribute safety notices and airworthiness directives to aircraft owners.

Respondents: Approximately 72,996 aircraft owners.

Frequency: Information is collected triennially.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden: 36,498 hours.

Issued in Washington, DC, on December 17, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2014–29895 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Type Certification Procedures for Changed Products

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. 14 CFR part 21 may require applicants to demonstrate compliance with the latest regulations in effect on the date of application for amended Type Certificates (TC) or a Supplemental TCs for aeronautical products.

DATES: Written comments should be submitted by February 20, 2015.

ADDRESSES: Send comments to the FAA at the following address: Ms. Kathy DePaepe, Room 126B, Federal Aviation Administration, ASP–110, 6500 S. MacArthur Blvd., Oklahoma City, OK 73169.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0657.

Title: Type Certification Procedures for Changed Products.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: 14 CFR part 21 requires that, with certain exceptions, all aviation product changes comply with the latest airworthiness standards when determining the certification basis for aeronautical products. This process is intended to increase safety by applying the latest regulations where practicable. A certification application request, in letter form, and a supporting data package is made to the appropriate Federal Aviation Administration (FAA) Aircraft Certification Office by an aircraft/product manufacturer/modifier.

Respondents: Approximately 2,558 manufacturers/modifiers.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 7.35 hours.

Estimated Total Annual Burden: 18,815 hours.

Issued in Washington, DC, on December 17, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–29891 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Fatigue Tolerance Evaluation of Metallic Structures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. To obtain type certification of a rotorcraft, an applicant must show that the rotorcraft complies with specific certification requirements. To show compliance, the applicant must submit substantiating data.

DATES: Written comments should be submitted by February 20, 2015.

ADDRESSES: Send comments to the FAA at the following address: Ms. Kathy DePaepe, Room 126B, Federal Aviation Administration, ASP–110, 6500 S. MacArthur Blvd., Oklahoma City, OK 73169.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0752

Title: Fatigue Tolerance Evaluation of Metallic Structures.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: To obtain type certification of a rotorcraft, 14 CFR part 29 requires an applicant to show that the rotorcraft complies with specific certification requirements. To show compliance, the applicant must submit substantiating data. FAA engineers or designated engineer representatives from industry will review the required data submittals to determine if the rotorcraft complies with the applicable minimum safety requirements for fatigue critical rotorcraft metallic structures and that the rotorcraft has no unsafe features in the metallic structures. The FAA is requiring an applicant to submit the compliance methodology for the FAA to assure that the rotorcraft has no unsafe fatigue characteristics.

Respondents: 17 total applicants for type certification of rotorcraft over a 27 year period.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 320 hours.

Estimated Total Annual Burden: 269 hours.

Issued in Washington, DC on December 17, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–29901 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket Number: FAA–2013–0392]

Notice for Data and Information Distribution Policy

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Policy for Distribution of FAA Data & Information.

SUMMARY: On April 24, 2013, FAA issued a proposed Data and Information Distribution Policy for public comment; 140 comments were received during the open comment period. On May 9, 2013, subsequent to the FAA's draft policy release, Executive Order (EO) 13642 ''Making Open and Machine Readable the New Default for Government Information,'' and Office of Management and Budget (OMB) M–13–13 ''Open Data Policy—Managing Information as an Asset,'' were issued. In this notice, FAA addresses all comments received, and announces the FAA's Data and Information Distribution Policy, developed in accordance with EO13642 and OMB M–13–13.

DATES: *Effective Dates:* December 22, 2014.

FOR FURTHER INFORMATION CONTACT: You may direct any questions on data and information policy to the FAA/ATO Data Management Directorate staff by telephone at (202) 385–8022 or by electronic mail at *mojdeh.supola@faa.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order, Making Open and Machine Readable the New Default for Government Information EO 13642, issued May 9, 2013.

E-Government & Information Technology Act of 2002 (Pub. L. 107–347, 116 stat, 2899, 44 U.S.C. &101, H.R. 2458/S. 803).

Open Government Directive, OMB Memorandum for the Heads of Executive Departments and Agencies, M–10–06, issued December 8, 2009.

Office of Management and Budget, OMB Memorandum for the Heads of Executive Departments and Agencies, M–13–13, issued May 9, 2013.

Delivering an Efficient, Effective, and Accountable Government, Executive Order 13576, issued July 13, 2011.

Streamlining Service Delivery and Improving Customer Service, Executive Order 13571, issued April 27, 2011.

Digital Government Strategy, Building A 21st Century Platform to Better Serve the American People, issued May 23, 2012.

Management of Federal Information Resources, Office of Management and

Budget Circular A–130, issued November 28, 2000.

Background: The FAA objective is to make data and information resources accessible, discoverable, and usable by the public in accordance with EO 13642 and OMB M–13–13. This is a transition away from FAA's historic approach of having multiple direct connections to FAA systems by a limited number of users. The new distribution policy will enhance data and information security and sharing, while reducing the cost of developing and maintaining multiple interfaces/direct connections currently used to distribute FAA data and information. This change will help FAA protect the confidentiality, integrity, and availability of data and information services to the public and to other government users. This policy supports the discovery and distribution of data and information while supporting FAA's ability to effectively manage and secure its data and information assets. The current processing of requests for historical FAA data and information handled under existing procedures such as Freedom of Information Act or similar processes is not changed by this policy.

E.O. 13642 and OMB M–13–13, Open Data Policy comments—Aircraft Owners and Pilots Association, Airport Council International North America, Air Transport Association of Canada (ATAC), Boeing, Bruel & Kjaer, Center for Effective Government, FlightAware, Harris, Los Angeles World Airport, Miami-Dade Aviation Department, SAAB Sensis, Seattle-Tacoma International Airport, Sunlight Foundation, Honeywell, Lockheed Martin, Raytheon, and WSI all expressed, in various ways, the concern that the FAA's proposed distribution policy would limit their access to FAA data and information; some commenters stated the draft policy was contrary to OMB M–13–13 Open Data Policy. The final FAA Data and Information Distribution Policy has been revised to reflect these concerns consistent with the applicable Executive orders and OMB guidance. Specifically the policy is consistent with OMB's M–13–13 Open Data Policy which allows for valid restriction for ''privacy, confidentiality, security, trade secret, contractual or other valid restriction''. Despite those restrictions, access to FAA data and information will generally be more available to all users under this Policy. Users will continue to have to employ their own methods or software to process the FAA data and information that is made available. Data and information will not be tailored for one user (or users) absent specific agreements that include full FAA cost recovery.

Inconsistent with ''NextGen Objectives''—Airport Council International North America, Boeing, FlightAware, ForeFlight, and Harris expressed many of NextGen capabilities are predicted on the availability and use of common air traffic data among certain users such as the FAA, aircraft operators, and airport operators. Under this Policy, FAA will strive for maximum data interoperability and accessibility to all users in accordance with OMB Open Data Policy implementation guidance.

''Monopoly'' comments—Airlines for America, Airport Council International North America, Air Transport Association of Canada (ATAC), Boeing, FlightAware, ForeFlight, Los Angeles World Airport, Miami-Dade Aviation Department, SAAB Sensis, Sunlight Foundation, Harris, Honeywell, Lockheed Martin, and Raytheon expressed concern that FAA has previously limited data distribution by empowering certain entities, via contract, to have exclusive access to air traffic or NAS (National Air System) data. In addition, there were comments that contract practices, driven by a desire to re-coup cost of providing data to users, would undermine the principle of non-exclusivity of data. In accordance with the OMB M–13–13 Open Data Policy and as noted above, FAA will make more data and information accessible to the public and other government agencies as used by the FAA to conduct its statutory activities.

Data and Information Management comments—SAAB Sensis expressed concern over the usage of term ''Information Steward'' as used in the draft policy notice; this term has been removed in the final policy since it does not apply to external users. In the future, FAA will follow OMB guidance and definitions to the extent possible. Other commenters expressed concerns regarding the quality, accuracy, and availability of data and information once released from FAA. FAA is making available the data and information as used by FAA. FAA provides data and information ''as-is'' without warranty of any kind and cannot be responsible for any usage and modifications made by external parties after released. In this context, FAA notes even minor modifications (format, definitions, metadata, etc.) can have significant safety and liability implications; users are responsible for whether and how they choose to consume FAA data and information.

Cost Recovery comments—Airlines for America, Airport Council International North America, ATAC, Boeing, Bruel & Kjaer, Center for Effective Government, FlightAware, ForeFlight, Harris, Los Angeles World Airport, Miami-Dade Airport, and SAAB Sensis expressed concerns with the policy language about cost recovery. Under this policy, FAA will make data and information generally available to the public in the format used by FAA to meet its statutory requirements and mission, subject to availability of funding. Users will continue to have to use their own methods to process the FAA data and information that is made available and should be aware that FAA data formats and content will continue to evolve to meet FAA's requirements. While notice of changes in data formats and content will be provided when possible, there is no guarantee that notice will always occur. If the public or governmental users seek data and information in different format than that which is provided; the FAA will need to consider cost recovery. FAA will take into consideration all relevant factors in considering any request for a cost recovery agreement to supply specialized FAA data and information outside of FAA statutory responsibilities. In any request for FAA data and information that is not readily available, the requesting entities would be expected to bear all costs including but not limited to development, connection, transmission, processing, and maintenance.

Stakeholder Input/Workgroup—Airlines for America, Aircraft Owners and Pilots Associations, Airport Council International, SAAB Sensis, Boeing, Harris, Honeywell, Lockheed Martin, and Raytheon urged FAA to include stakeholders input by creating a Data Policy Committee comprised of aviation stakeholders (including airlines, airports, and industry organizations) to create a comprehensive data and information distribution policy. In light of EO 13642 and OMB M–13–13, Open Data Policy, and the comments to the draft policy in **Federal Register** Notice, FAA has determined that adequate input from stakeholders has already been provided to establish this Policy. FAA will continue to work with all interested parties in the implementation and evolution of this Policy through the Data Management organizations.

Policy: Considering the comments received, and to conform to current U.S. Government practices and policies, especially to the Open Data Policy, the FAA is establishing this policy for the distribution of NAS and non–NAS data and information to the public and other governmental users including the FAA's and other governmental contractors to

enhance data and information management including governance, security, and cost. This policy does not confer any substantive rights or entitlements to consumers of FAA data and information beyond those established by law or other applicable authority.

The FAA will:

1. In accordance with EO 13642 and the OMB M–13–13, Open Data Policy, establish a catalogue of FAA data and information accessible by the public and other government user(s). In addition, per OMB guidance, FAA will identify data management organizations for NAS and non-NAS data and information management to accomplish this policy for FAA.

2. Specify the mechanism and metadata by which the public and other governmental user(s) may consume data and information including limits and restrictions required to protect national/homeland security, individual privacy, safety, confidentiality, and any other current or future government requirements.

3. Establish authorized access points for distribution of data and information, prevent direct connections to FAA systems, and seek disestablishment of any unauthorized access points. The FAA data management organizations identified above will protect the confidentiality, integrity, and availability of data and information services consistent with applicable law, Executive Orders, OMB guidance, and FAA Orders.

4. Ensure that all current and future FAA systems (*e.g.* NextGen) strive for maximum data interoperability and information accessibility for consumption and disclosure to all users via authorized distribution points. Requests for FAA data and information that is not readily available through the data and information catalogue and standard interfaces will require full FAA cost recovery for all aspects including, but not limited to, development, connection, transmission, processing, and maintenance of providing the data and information. Cost or technical considerations aside, the FAA may determine that it is not in its best interest to provide the data and information.

5. Ensure that FAA data and information is only created for use by the FAA to fulfill its statutory responsibilities and to the extent practicable, make that data and information generally available for consumption. While the data and information made available is to be accurate and timely for use by the FAA, FAA will make no warranties and will not be responsible for quality, continuity, or intended use of data once it leaves the FAA.

6. Establish policies and procedures to determine the extent to which FAA contractors or any other entities can use FAA data and information. Data in the possession or control of the FAA must be properly accounted for, controlled and managed by all FAA andor FAA contractors working under any federal, authority. Each contractor receiving, storing, manipulating, transmitting, or analyzing this data must submit to FAA a data management plan and have it approved prior to obtaining any FAA data and information. The plan must be approved by FAA Data Management Organization (s) noted above in accordance with Agency policy and requirements. Airports and non-FAA contractors working under state or local authority may also be subject to these provisions depending on the data they are receiving from FAA.

Glossary of Terms

Data: A representation of fact, concept, or instruction represented in a formalized form suitable for communication, interpretation or processing either by human and/or by automated systems. This is the lowest level of abstraction, compared to information.

Information: Data in context. The meaning given to data or the interpretation of data based on its context. The finished product as a result of the interpretation of data. Data processed in such a way that it can increase the knowledge of the person who receives it. Data that:

(1) are specific and organized for a purpose;

(2) are presented within a context that gives it meaning and relevance, and which;

(3) leads to an increase in understanding and decrease in uncertainty. The value of information lies solely in its ability to affect a behavior, decision, or outcome.

National Airspace System (NAS) Data: The data and information from the common network of U.S. airspace; air navigation facilities, equipment and services, airports or landing areas; aeronautical charts, information and services; rules, regulations and procedures, technical information, and manpower and material used to ensure safe and efficient use of U.S. navigable airspace. Included are system components shared jointly with the military and other governmental entities.

Non-NAS Data: The data and information needed for FAA regulatory, business administration, and planning function not part of the NAS. It includes all of the administrative applications, systems, and related policies and procedures not directly involved in the NAS.

Open Data: In accordance with OMB M–13–13, Open Data Policy, these terms refer to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users and are consistent with the principles of *public, accessible, described, reusable, complete, and timely, managed post-release.*

Public—Consistent with OMB's Open Government Directive, agencies must adopt a presumption in favor of openness to the extent permitted by law and subject to privacy, confidentiality, security, or other valid restrictions.

Accessible—Open data are made available in convenient, modifiable, and open formats that can be retrieved, downloaded, indexed, and searched. Formats should be machine-readable (*i.e.,* data are reasonably structured to allow automated processing). Open data structures do not discriminate against any person or group of persons and should be made available to the widest range of users for the widest range of purposes, often by providing the data in multiple formats for consumption. To the extent permitted by law, these formats should be non-proprietary, publicly available, and no restrictions should be placed upon their use.

Described—Open data are described fully so that consumers of the data have sufficient information to understand their strengths, weaknesses, analytical limitations, security requirements, as well as how to process them. This involves the use of robust, granular metadata (*i.e.,* fields or elements that describe data), thorough documentation of data elements, data dictionaries, and, if applicable, additional descriptions of the purpose of the collection, the population of interest, the characteristics of the sample, and the method of data collection.

Reusable—Open data are made available under an open license that places no restrictions on their use.

Complete—Open data are published in primary forms (*i.e.,* as collected at the source), with the finest possible level of granularity that is practicable and permitted by law and other requirements. Derived or aggregate open data should also be published but must reference the primary data.

Timely—Open data are made available as quickly as necessary to preserve the value of the data. Frequency of release should account for key audiences and downstream needs.

Managed Post Release—A point of contact must be designated to assist with data use and to respond to complaints about adherence to these open data requirements.

User: A human, his/her agent, a surrogate, or an entity that interacts with information processing systems. A person, organization entity, or automated process that accesses data in a system.

Contacts

You may direct questions on NAS data and information to the FAA/ATO, Mojdeh Supola, at (202) 267–1026 or by email to *mojdeh.supola@faa.gov.*

You may direct questions on Non-NAS data and information to the FAA/AIT, Tim Perez, at (202) 493–5069 or by email to *Tim.Perez@faa.gov.*

Issued in Washington, DC, on December 16, 2014.

Michael P. Huerta,

FAA Administrator.

[FR Doc. 2014–29910 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Eighteenth Meeting: RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems

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

ACTION: Meeting notice of RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems.

SUMMARY: The FAA is issuing this notice to advise the public of the eighteenth meeting of the RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems.

DATES: The meeting will be held January 20–22, 2015 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0662/(202) 833–9339, fax (202) 833–9434, or Web site at *http://www.rtca.org.* In addition, Jennifer Iversen may be contacted directly at email: *jiversen@rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 225. The agenda will include the following:

January 20th

- Introductions and administrative items (including DFO & RTCA Statement).
- Review agenda.
- Review and approval of summary from the last Plenary.
- Review proposed changes to DO–311A as a result of NTSB final report.
- Update DO–311A plan (WG meetings, Plenary schedule, Status of FRAC comments, PMC meeting)
- Adjourn to working group to disposition FRAC comments
- Review action items.

January 21st

- Review agenda, other actions.
- Adjourn to working group to disposition FRAC comments
- Review action items.

January 22nd

- Review agenda, other actions.
- Finalize plan/future meetings, if needed.
- Adjourn to working group to disposition FRAC comments
- Working Group Report
- Review action items.
- Approve DO–311A for submission to the PMC and final publication.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 16, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.

[FR Doc. 2014–29909 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Eightieth Meeting: RTCA Special Committee 147, Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment

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

ACTION: Meeting Notice of RTCA Special Committee 147, Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment.

SUMMARY: The FAA is issuing this notice to advise the public of the eightieth meeting of RTCA Special Committee 147, Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment.

DATES: The meeting will be held January 13–15, 2015, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 147. The agenda will include the following:

Tuesday, January 13th

- *Joint meeting of Surveillance and Tracking (SWG) and Threat Resolution (TWG) Working Groups.* (*Specific agendas to be distributed through Working Groups.*)

Wednesday, January 14th

- *SWG and TWG meet separately.* (*Specific agendas to be distributed through Working Groups.*)

Thursday, January 15th: SC–147 Plenary Agenda

- Opening Plenary Session
  - Chairmen's Opening Remarks/Introductions
  - Approval of Minutes from 78th meeting of SC–147
  - Approval of Agenda
- WG–75 Activities Update
- EUROCONTROL Activities
- Update on SESAR ACAS X Activities
- *Break*
- Report from TCAS PO
- Update of CAS Interoperability Requirements and interactions with SC 228
- *Lunch*
- Report from WG–2 (Threat Resolution)
- Report from WG–1 (Surveillance and Tracking)
- (Future) Equipage/Capability bits in ACAS X messages
- Review of Decisions and Actions
- Additional business/Overflow if time permits

- Update on vendor data for SWG/Target of Opportunity analysis
- Closing Session
  - Next Meeting Location
  - Action Item review
  - End Meeting

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 16, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.

[FR Doc. 2014–29907 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2014–143]

Petition for Exemption; Summary of Petition Received; Hoovy LLC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. 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 January 12, 2015.

ADDRESSES: Send comments identified by docket number FAA–2014–0975 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations 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.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations 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 16, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0975.

Petitioner: Hoovy LLC.

Section(s) of 14 CFR Affected: part 21; §§ 45.23(b), 61.3, 91.7, 91.9(b)(2), 91.103, 91.109, 91.119, 91.121, 91.151(a), 91.203(a) and (b), 91.205(b), 91.215, 91.405(a), 91.407(a)(1), 91.409(a)(2) and 91.417(a) and (b).

Description of Relief Sought: The petitioner is requesting relief to commercially operate its small unmanned aircraft systems (sUAS) for banner towing to offer advertising services to businesses in the Los Angeles Metropolitan Area.

[FR Doc. 2014–29796 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on Proposed Transportation Project in Illinois and Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and United States Fish and Wildlife Service (USFWS), DOI.

SUMMARY: This notice announces actions taken by the FHWA and USFWS that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the Illiana Corridor, between Interstate 55 (I–55) in Will County, Illinois on the west, and Interstate 65 (I–65) in Lake County, Indiana on the east. The Federal actions, taken as a result of a tiered environmental review process under the National Environmental Policy Act, 42 U.S.C. 4321–4351 (NEPA), and implementing regulations on tiering, 40 CFR 1502.20, 40 CFR 1508.28, and 23 CFR part 771, determined certain issues relating to the proposed project. Those Tier Two decisions will be used by Federal agencies in subsequent proceedings, including decisions whether to grant licenses, permits, and approvals for the proposed highway project. Tier Two decisions also may be relied upon by State and local agencies in proceedings on the proposed project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Tier Two Federal agency actions of the proposed highway project will be barred unless the claim is filed on or before May 21, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine A. Batey, Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703; telephone: (217) 492–4600; email address: *Catherine.Batey@dot.gov.* The FHWA Illinois Division Office's normal business hours are 7:30 a.m. to 4:15 p.m. (Central Standard Time). For the USFWS: Ms. Louise Clemency, Field Supervisor, Chicago Ecological Services Field Office, USFWS, 1250 South Grove Avenue, Suite 103, Barrington, IL 60010; telephone: (847) 381–2253; email: *Louise_Clemency@fws.gov.* Normal business hours for the USFWS

Chicago Ecological Field Office are: 8:00 a.m. to 4:30 p.m. (Central Standard Time). You may also contact Mr. John Fortmann, P.E., Illinois Department of Transportation, Deputy Director of Highways, Region One Engineer, 201 West Center Court, Schaumburg, Illinois 60196; telephone: (847) 705–4000. The Illinois Department of Transportation Region One's normal business hours are 8:00 a.m. to 4:30 p.m. (Central Standard Time). You may also contact Mr. James Earl, P.E., Project Manager, Indiana Department of Transportation, 100 North Senate Avenue IGCN Room N642, Indianapolis, IN 46204; telephone: (317) 233–2072. The Indiana Department of Transportation's normal business hours are 8:00 a.m. to 4:00 p.m. (Eastern Standard Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has issued a Record of Decision (ROD) in connection with the proposed highway project in Illinois and Indiana: the Illiana Corridor between I–55 in Will County, Illinois and I–65 in Lake County, Indiana. Decisions in the Tier Two ROD include, but are not limited to the following:

a. The purpose and need for the project, including goals to improve regional mobility, alleviate local system congestion and improve local system mobility, and provide for efficient movement of freight in the Illiana Corridor between I–55 on the west and I–65 on the east.

b. The selection of Alternative 1 with IL–53 interchange Design Option 4 that generally starts at I–55 north of Wilmington, Illinois, connects to I–57 south of Peotone, Illinois, passes south of the proposed South Suburban Airport and Beecher, Illinois, and connects with I–65 northeast of Lowell, Indiana. It is typically 400 feet in width.

c. The elimination from further consideration and study of Alternatives 2 and 3, and IL–53 interchange Design Options 2, 3, 5 and 6.

d. The description of measures to minimize harm that are proposed as conditions of implementing the Illiana Corridor.

Notice is also given by the USFWS, pursuant to the Endangered Species Act, 16 U.S.C. 1531–1544, that the Illiana Corridor project may effect, likely to adversely affect the sheepnose mussel (*Plethobasus cyphyus*). This finding was confirmed in a Biological Opinion and Incidental Take Statement issued on November 20, 2014. In addition, the USFWS issued a Conference Opinion for the northern long-eared bat (*Myotis septentrionalis*) which is proposed for federal listing as endangered, and is incorporated in this Biological Opinion. The document further sets forth proposed conservation recommendations, and mitigation requirements for the sheepnose mussel, the Eryngium stem borer moth *(Papaipema eryngii),* and the northern long-eared bat.

Interested parties may consult the Tier Two ROD and Final Environmental Impact Statement (FEIS) for further information on each of the decisions described above.

The Tier Two actions by the Federal agencies, and the laws under which such actions were taken, are described in the FEIS approved September 17, 2014, the ROD approved December 10, 2014, and in other documents in the FHWA project records. The scope and purpose of the Tier Two FEIS are described in Section 1.0 of the FEIS. The Tier Two FEIS, ROD, and other documents in the FHWA project file are available by contacting the FHWA or the Illinois or Indiana Departments of Transportation at the addresses provided above. The Tier Two FEIS and ROD also are available online at *http://illianacorridor.org/.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351] Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303 and 23 U.S.C. 138].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
6. Water Resources: Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287].
7. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: December 10, 2014.

Catherine A. Batey,

Division Administrator, Springfield, Illinois.

[FR Doc. 2014–29652 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0189]

Agency Information Collection Activities; Revision of an Approved Information Collection: Hours of Service (HOS) of Drivers Regulations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval, and invites public comment. FMCSA requests approval to revise and extend ICR 2126–0001 entitled, ''Hours of Service (HOS) of Drivers Regulations.'' This notice supersedes the Agency's notice of September 12, 2014 (79 FR 54776) that asked for comments on this ICR. This notice (1) amends the Agency's estimate of the population of commercial motor vehicle (CMV) drivers subject to the recordkeeping requirements of the HOS rules, (2) addresses a public comment received, and (3) invites public comment.

DATES: Please send your comments by January 21, 2015. OMB must receive your comments by this date in order to act on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System Docket Number FMCSA–2014–0189. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov,* faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget,

Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Robert F. Schultz, Driver and Carrier Operations Division, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–4325; email *buz.schultz@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Hours of Service (HOS) of Drivers Regulations.

OMB Control Number: 2126–0001.

Type of Request: Revision of an information collection.

Respondents: Motor Carriers of Property and Passengers, Drivers of CMVs.

Estimated Number of Respondents: 3.66 million (3.29 million CMV drivers + 0.37 million motor carriers).

Estimated Time per Response: Paper log: CMV driver—11.5 minutes, Motor Carrier—4 minutes. Electronic log: CMV driver—1 minute, Motor Carrier—3 minutes.

Expiration Date: December 31, 2014.

Frequency of Response: Drivers: 240 days per year; Motor Carriers: 240 days per year.

Estimated Total Annual Burden: 137.90 million hours.

Background

The HOS rules require most CMV drivers to maintain on the CMV a record of duty status (RODS), or daily log, current to the last change in duty status. The RODS is critical to FMCSA's safety mission because it helps roadside enforcement officials determine if CMV drivers are complying with the HOS rules limiting driver on-duty and driving time, and requiring periodic off-duty time. The information helps FMCSA protect the public by reducing the number of tired CMV drivers on the highways.

Statutory authority for regulating the HOS of drivers operating CMVs in interstate commerce is derived from 49 U.S.C. 31136 and 31502. The penalty provisions are located at 49 U.S.C. 521, 522 and 526, as amended. The driver's RODS was first prescribed by the Interstate Commerce Commission (ICC) in Ex Parte MC–2, by order dated July 15, 1938, and later modified by order issued February 8, 1939, effective January 1, 1940. Effective July 1, 1952, the daily log was completely revised as Bureau of Motor Carrier (BMC) Form BMC 54, prescribed by the ICC. And on November 28, 1982, the Federal Highway Administration, the agency responsible for administration of the Federal Motor Carrier Safety Regulations (49 CFR 350 *et seq.*) (FMCSRs) at that time, published a final rule amending the safety rules to reduce the burden for drivers and motor carriers by revising the requirements for recording a driver's duty status, reducing the record retention period for both motor carriers and drivers, and relaxing the 100 air-mile radius RODS exception. Section 395.8 concerning RODS has been amended a number of times since 1982 but the basic requirements for documenting hours of service has not changed significantly since then. Motor carriers must ensure that their drivers record their duty status in a specified format and verify the accuracy of the HOS of each driver. The rule is codified at 49 CFR 395.8. The FMCSRs also state that drivers may not drive a CMV while their ability or alertness is so impaired, or likely to be so impaired, by fatigue or illness or other condition, that it is unsafe for them to drive (49 CFR 392.3). Motor carriers are also barred from permitting or requiring a CMV driver to operate their vehicle under these conditions. The FMCSA regulates the amount of time a CMV driver may drive or otherwise be on duty, in order to ensure that adequate time is available to the driver for rest. A driver must accurately record his or her duty status (driving, on duty not driving, off duty, sleeper berth) at all points during the 24-hour period designated by the motor carrier (49 CFR 395.8(a)(1)). The RODS must be recorded on a specified grid (section 395.8(g)). The term ''logbook'' is often used in the industry to denote the collection of the most recent RODS of the driver. A driver must have the RODS for the previous 7 consecutive days in the CMV at all times (section 395.8(k)(2)). The RODS must be submitted to the motor carrier along with any supporting documents, such as fuel receipts and toll tickets that could assist in verifying the accuracy of entries on the RODS. The HOS rules do not require motor carriers to submit this information to FMCSA. However, motor carriers must retain these records for a minimum of 6 months from the date of receipt and make them available to enforcement officials upon request (section 395.8(k)(1)). The HOS rules provide three methods of recording driver duty status:

(1) *Paper RODS:* This grid form requires the driver to graph time and location on a paper record over a 24-hour period (section 395.8(g)). It must be present on the CMV in the absence of a regulatory exception.

(2) *Time Record:* ''Short haul'' CMV drivers do not have to maintain a RODS onboard the vehicle if their motor carrier maintains a time record showing for each duty day when the driver reported for duty, when he or she was released from duty, and the total hours on duty (section 395.1(e)). Such drivers also do not have to maintain supporting documents, such as fuel and toll receipts, on board the vehicle.

(3) *Automatic On-Board Recording Device (AOBRD):* An electronic record is permitted if it is created and maintained by an AOBRD as defined by section 395.2. The record must include all the information specified in section 395.15.

As a condition of receiving certain Federal grants, States agree to adopt and enforce the FMCSRs, including the HOS rules, as State law. As a result, State enforcement inspectors use the RODS and supporting documents to determine whether CMV drivers are complying with the HOS rules. In addition, FMCSA uses the RODS during on-site compliance reviews (CRs) and targeted reviews of motor carriers, and Federal and State courts rely upon the RODS as evidence of driver and motor carrier violations of the HOS regulations. This information collection supports the DOT's Strategic Goal of Safety because the information helps the Agency ensure the safe operation of CMVs on our Nation's highways.

On March 28, 2014, the Agency published a supplemental notice of proposed rulemaking (SNPRM) proposing rules that would require motor carriers currently using RODS to use electronic logging devices (ELDs) to record their HOS information, and sought public comment (79 FR 17656). The SNPRM also included a proposal concerning HOS supporting documents used to verify the accuracy of the RODS. The ELD rulemaking does not affect this ICR because ELDs will not be mandatory until sometime after the 3-year timeframe of this PRA estimate.

The currently-approved IC burden estimate of the HOS rules, approved by OMB on December 11, 2011, is 184.38 million hours. The Agency's estimate accounted for the HOS IC burden of both interstate and intrastate CMV drivers. Approval of the IC expires on December 31, 2014.

Renewal of This IC

The Agency is asking OMB to approve its revised estimate of the IC burden of the HOS rules. On June 24, 2014, FMCSA published a **Federal Register** notice announcing that the Agency was submitting to OMB a revised estimate of the IC burden of the HOS rules of 106.89 million hours, and asked for public comment on it (79 FR 35843). The revised estimate excluded the HOS IC

burden of intrastate CMV drivers because the Agency believed that the HOS burden imposed on these drivers was not subject to reporting under the PRA. The Agency estimated that 2.84 million drivers were subject to the IC requirements of the HOS rules.

The agency received one comment in response to the notice. The National Ready Mixed Concrete Association (NRMCA) asked the Agency to amend the ''short-haul'' exception of section 395.1(e)(1) so that more CMV drivers could operate under its terms. As explained above, short-haul drivers are not required to maintain a RODS or supporting documents on board the CMV. NRCMA pointed out that expanding the number of drivers qualifying as ''short-haul'' drivers would reduce the overall paperwork burden of this ICR. The Agency will take the NRMCA suggestion under advisement. By law, formal rulemaking is required to amend Federal regulations, including publication of the proposed amendment in the **Federal Register** and an opportunity for public comment.

On September 12, 2014, FMCSA published the second notice of this ICR as required by law, and asked the public to submit comments to OMB on its IC burden estimate of 106.89 million hours (79 FR 54776). Subsequently, the OMB directed FMCSA to account for the IC burden imposed on intrastate drivers and their motor carriers by State HOS laws. It concluded that this burden was subject to reporting under the PRA because FMCSA requires its State grantees to adopt compatible HOS rules as a condition of receiving funding under the Agency's Motor Carrier Safety Assistance Program. Today, FMCSA publishes this 30-day notice to revise its burden estimate for this IC and provide for public comment on it. The Agency today includes approximately .82 million intrastate drivers and revises its estimate of the total population of interstate and intrastate CMV drivers subject to the recordkeeping requirements of the HOS rules—3.66 million. Accordingly, the Agency revises its estimate of the IC burden of the HOS rules—137.89 million hours. These estimates supersede those set forth in the September 12 notice.

The Agency's request for OMB approval of its amended estimate of the IC burden of the HOS rules is not the result of amendment of those rules. Aside from the 2014 adjustments related to the HOS burden of intrastate CMV drivers, the Agency's estimate is the result of two program adjustments. The first program adjustment is revised estimates of the number of drivers operating CMVs in interstate and intrastate commerce and of the number of CMV drivers subject to the HOS rules. The approved 2011 ICR estimated that 7.0 million CMV drivers operated in interstate and intrastate commerce and that 4.6 million of those drivers were subject to the recordkeeping requirements of the HOS rules. Today the Agency estimates that 5.7 million CMV drivers operate in interstate and intrastate commerce and that 3.66 million of these drivers are subject to the recordkeeping requirements of the HOS rules (2.04 million CMV drivers qualify as ''short haul'' drivers and do not incur any HOS recordkeeping burden). The second program adjustment is an Agency estimate of the use of AOBRDs in the industry to record, transfer and store HOS information electronically. AOBRDs automate several IC tasks required of CMV drivers and motor carriers by the HOS rules. The currently-approved 2011 burden estimate did not account for AOBRD usage. FMCSA data today indicates that an average of 0.37 million CMV drivers will be employing electronic technology for HOS purposes over the three years that are the subject of this IC estimate. The Agency estimate submitted to OMB for approval is 137.89 million burden hours. It combines an estimate of the IC burden imposed on those using paper RODS or logs (3.29 million CMV drivers) and a separate estimate of the IC burden imposed on those using AOBRDs (0.37 million CMV drivers).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on December 10, 2014.

G. Kelly Regal,

Associate Administrator, Office of Research and Information Technology, Chief Information Officer.

[FR Doc. 2014–29861 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35888]

The Great Lake Port Corporation D/B/A Grand River Railway—Acquisition and Operation Exemption—CSX Transportation, Inc.

The Great Lake Port Corporation d/b/a Grand River Railway (GRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to permit it to acquire and operate as a common carrier approximately 2.56 miles of CSX Transportation, Inc. (CSXT) track. The track runs between Painesville, former B&O Valuation Station 2535+40, and Grand River, at the end of the track, former Conrail Valuation Station 45+01, in Lake County, Ohio (the Line).[1]

According to GRR, it will soon enter an agreement to purchase the Line from CSXT. GRR intends to rehabilitate the Line and commence common carrier service to Morton Salt, which is located at the end of the Line, and any other shipper that requests service. GRR will interchange traffic with CSXT, the only railroad that connects to the Line.

According to GRR, the agreement between GRR and CSXT does not contain an interchange commitment.

GRR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million.

This transaction may be consummated on or after January 7, 2015, the effective date of the exemption (30 days after the verified notice was filed).[2]

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically the stay the effectiveness of the exemption. Petitions to stay must be filed no later than December 29,

[1] In 2003, the Board permitted the abandonment and discontinuance of service over the Line. *See N.Y. Cent. Lines—Aban. Exemption—in Lake Cnty., Ohio,* AB 565 (Sub-No. 11X), *et al.* (STB served Jan. 31, 2003). CSXT consummated the abandonment in 2004, see CSXT letter, *N.Y. Cent. Lines—Aban. Exemption—in Lake Cnty., Ohio,* AB 565 (Sub-No. 11X) (filed Dec. 29, 2004), and, according to GRR, reclassified it as industry track.

[2] GRR hopes to consummate its transaction on December 26, 2014. In furtherance of this goal, GRR has filed a petition for partial waiver of 49 CFR 1150.32(b) to permit the exemption to become effective on December 26, 2014, instead of the standard 30 days after the verified notice was filed. The waiver request will be addressed in a separate Board decision.

2014, unless the Board grants GRR's petition for partial waiver of 49 CFR 1150.32(b) to permit the exemption to become effective on December 26, 2014, in which case the due date for stays will be established in the Board's decision acting on GRR's petition.

An original and 10 copies of all pleadings, referring to Docket No. FD 35888, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Esq., Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV*.

Decided: December 17, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2014–29866 Filed 12–19–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 290 (Sub-No. 5) (2015–1)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the first quarter 2015 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The first quarter 2015 RCAF (Unadjusted) is 0.946. The first quarter 2015 RCAF (Adjusted) is 0.405. The first quarter 2015 RCAF–5 is 0.383.

DATES: *Effective Date:* January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available on our Web site, *http://www.stb.dot.gov*. Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: December 16, 2014.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–29863 Filed 12–19–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35873] [1]

Norfolk Southern Railway Company—Acquisition and Operation—Certain Rail Lines of the Delaware and Hudson Railway Company, Inc.

AGENCY: Surface Transportation Board, Department of Transportation.

ACTION: Decision No. 1 in Docket No. FD 35873; Notice of Acceptance of Primary Application and Related Filings; Issuance of Procedural Schedule.

SUMMARY: The Surface Transportation Board (Board) is accepting for consideration the application filed November 17, 2014, by Norfolk Southern Railway Company (NSR or Applicant), and two related filings. The primary application seeks Board approval under 49 U.S.C. 11323–25 of the acquisition of control of 282.55 miles of rail line owned by Delaware and Hudson Railway Company, Inc. (D&H), a wholly owned, indirect subsidiary of Canadian Pacific Railway Company (CP), by NSR, a Class I railroad. This proposal is referred to as the Control Transaction.

The related filings are two notices of exemption filed by NSR to modify existing trackage rights agreements. The notice of exemption filed in FD 34209 (Sub-No. 1) provides for the modification of an existing trackage rights agreement granted by D&H to NSR. This modification would allow NSR to retain trackage rights over approximately 17.45 miles of rail line between milepost 484.85 ± in the vicinity of Schenectady, N.Y., and CPF 467 in the vicinity of Mechanicville, N.Y., including the right to use such tracks within D&H's Mohawk Yard. The notice of exemption filed in FD 34562 (Sub-No. 1) provides for the modification of the Saratoga-East Binghamton Trackage Rights Agreement granted by D&H to NSR. This modification would allow NSR to retain trackage rights between milepost 37.10 ± of D&H's Canadian Main Line in Saratoga Springs, N.Y., and CPF 484 at Schenectady. Both of these notices of exemption would remove from the respective trackage rights agreements rail lines that NSR would purchase under the Control Transaction, and would allow NSR to retain needed trackage rights over the remaining lines. Neither notice of exemption would provide for new trackage rights.

The Board finds that the application is complete and that the Control Transaction is a minor transaction based upon the preliminary determination that the Control Transaction clearly will not have any anticompetitive effects and that, to the extent any anticompetitive effects exist, they will clearly be outweighed by the transaction's anticipated contribution to the public interest in meeting significant transportation needs. 49 CFR 1180.2(b)(1), (c). The Board makes this preliminary determination based on the evidence presented in the application and the record to date. The Board emphasizes that this is not a final determination, and may be rebutted by subsequent filings and evidence submitted into the record for this proceeding. The Board will give careful consideration to any claims that the Control Transaction would have anticompetitive effects that are not apparent from the application and the record to date.

DATES: The effective date of this decision is December 16, 2014. Any person who wishes to participate in this proceeding as a party of record (POR) must file, no later than December 29, 2014, a notice of intent to participate. All comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application and related filings, including filings by the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT), must be filed by January 15, 2015. Responses to comments, protests, requests for conditions, other opposition, and rebuttal in support of the primary application or related filings must be filed by March 31, 2015. See Appendix A (Procedural Schedule). A final decision in this matter will be served no later than May 15, 2015. Further procedural orders, if any, will be issued by the Board as necessary.

ADDRESSES: Any filing submitted in this proceeding must be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board's Web

[1] This decision also embraces *Norfolk S. Ry.—Trackage Rights Exemption—Delaware & Hudson Ry.*, FD 34209 (Sub-No. 1), and *Norfolk S. Ry.—Trackage Rights Exemption—Delaware & Hudson Ry.*, FD 34562 (Sub-No. 1).

site at *www.stb.dot.gov* at the ''E-FILING'' link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (and also an electronic version) to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each filing in this proceeding must be sent (and may be sent by email only if service by email is acceptable to the recipient) to each of the following: (1) Secretary of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; (2) Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division, Room 3109, Department of Justice, Washington, DC 20530; (3) William A. Mullins (representing NSR), Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037; and (4) any other person designated as a POR on the service list notice (as explained below, the service list notice will be issued as soon after December 29, 2014, as practicable).

FOR FURTHER INFORMATION CONTACT: Jonathon Binet, (202) 245–0368. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Applicant, a Class I railroad, is a wholly owned subsidiary of Norfolk Southern Corporation, a publicly held noncarrier holding company. D&H, a Class II railroad, is a wholly owned, indirect subsidiary of CP. Applicant seeks the Board's prior review and authorization pursuant to 49 U.S.C. 11321–25 for the acquisition of the lines collectively known as the D&H South Lines. More specifically, these lines consist of approximately 267.15 route miles of the D&H Freight Main Line between Sunbury/Kase, Pa., (milepost 752) and Schenectady, N.Y. (milepost 484.85), and 15.40 miles of the Voorheesville Running Track between Voorheesville Junction (milepost A 10.9) and Delanson, N.Y. (milepost 499/milepost A 26.320), for a total of 282.55 miles of line currently owned by D&H. Applicant also has filed two notices of exemption seeking to modify existing trackage rights agreements between NSR and D&H, as discussed above and embraced by this case.

Applicant provides three primary purposes for pursuing the Control Transaction: (1) The Control Transaction would benefit shippers through improved service and increased operating efficiencies; (2) the Control Transaction would preserve and enhance competition in the Northeast surface transportation market; and (3) the Control Transaction would preserve and possibly increase jobs on the D&H South Lines by integrating D&H employees with NSR operations and organically growing traffic on the lines.

Financial Arrangements. According to the Applicant, if the Control Transaction is approved, NSR will pay D&H $217 million in cash. The Control Transaction would not require the issuance of any new securities or any other financial arrangement that would require the Board's approval. The Control Transaction would not result in any new debt or increase NSR's annual interest expense. Applicant further states that the Control Transaction would result in operating expense savings of $2.7 million annually.

Passenger Service Impacts. Applicant states that the Control Transaction would not affect passenger rail service because there is no scheduled passenger service over the D&H South Lines. Applicant states that passenger service does exist on the portion of the D&H lines over which Applicant seeks to modify trackage rights in FD 34209 (Sub-No. 1), but Applicant does not anticipate any adverse effects on passenger service as a result of the transaction.

Discontinuances/Abandonments. Applicant states that it does not anticipate any transaction-related line abandonments. Applicant does expect D&H will be filing for authority to discontinue trackage rights over certain NSR lines because D&H has determined those trackage rights are no longer economically justified.[2]

Public Interest Considerations. Applicant states that the Control Transaction would have no anticompetitive effects. According to the Applicant, the Control Transaction would not create a monopoly and would not result in any restraint of trade in freight surface transportation in any region of the United States. Applicant further states that, even if there are anticompetitive effects to the Control Transaction, they are clearly outweighed by the substantial public benefits of the transaction.

Applicant states that there are no anticompetitive effects to the Control Transaction because there are no customers served directly by both NSR and D&H on the D&H South Lines. Applicant further states that its competitive analysis shows there are four potential 2-to-1 corridors (*i.e.,* corridors where shippers served by two carriers before the Control Transaction would be served by one after its consummation, if approved) as a result of the Control Transaction, but contends that none of these are ''true'' 2-to-1 corridors because there are independent alternatives to NSR and D&H in these corridors. Applicant states that the shippers and receivers utilizing these corridors would only experience a *de minimis* competitive effect as a result of the Control Transaction. In addition, Applicant points to two new commercial agreements that NSR and D&H have agreed to enter into at closing of the Control Transaction, if approved, as evidence that there would be no anticompetitive effects. Applicant states that the first agreement would ensure shippers with existing contracts and rate authorities with D&H would be able to continue to operate under those contracts or rate authorities with D&H or NSR, as applicable under the agreement, until they expire or are renewed or amended. Applicant states that the second agreement would ensure that shippers located on short lines that currently connect with the D&H South Lines and NSR lines would have continued commercial access to both NSR and D&H.

Applicant also states that there would be substantial public benefits to the Control Transaction. Applicant states that shippers would benefit from the Control Transaction as it would align ownership with use, which would ensure adequate investment in the D&H South Lines to support NSR traffic and projected growth on the lines. Applicant also states that this would also result in more sustainable and reliable service for shippers on the D&H South Lines and promote operating efficiencies. In addition, Applicant states that this transaction would increase competition in the Northeast surface transportation market by strengthening both NSR and D&H. Finally, Applicant states that the Control Transaction would benefit employees on the D&H South Lines by providing continued employment that might otherwise be lost due to the potential for eventual reduction in service on the lines if they remain under D&H's control. Applicant also states that employees would benefit from NSR's expected expansion and growth of the D&H South Lines over time.

Time Schedule for Consummation. Applicant intends to consummate control of the D&H South Lines as soon

[2] The D&H trackage rights over NSR lines that Applicant states will be involved in D&H's request(s) for discontinuance authority are: (1) From Lehighton, Pa., to Allentown/Bethlehem, Pa.; (2) from Allentown/Bethlehem, Pa., to Oak Island, N.J.; (3) from Sunbury, Pa., to Harrisburg, Pa.; (4) from Harrisburg to Reading, Pa., to Philadelphia, Pa.; and (5) from Harrisburg to Perryville, Pa., to the Washington, DC area.

as a Board decision approving the Control Transaction becomes effective, should the Board authorize the proposed Control Transaction.

Environmental Impacts. Applicant states that the Control Transaction is exempt from environmental reporting requirements under 49 CFR 1105.6(c)(2) because the environmental impacts of the Control Transaction fall below the thresholds established in 49 CFR 1105.7(e)(4) and (5).

Historic Preservation Impacts. Applicant states that, under 49 CFR 1105.8(b)(1) and (3), the Control Transaction is exempt from historic preservation reporting requirements because rail operations would continue after Applicant's purchase of the D&H South Lines. Applicant states that it has no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older.

Labor Impacts. Applicant states that it does not anticipate any NSR employees being adversely affected by the Control Transaction, though the transaction may adversely affect 254 active D&H employees who operate over the D&H South Lines involved in the Control Transaction. Applicant states that it anticipates hiring approximately 150 of the 254 D&H employees through its standard hiring process, and that it anticipates the remaining employees would be retained by D&H or offered positions with another CP affiliate. In addition, Applicant states that the Control Transaction may create new jobs on the D&H South Lines, as Applicant believes the transaction may allow NSR to grow traffic on the lines. Applicant contends that any NSR or D&H employees adversely impacted by the Control Transaction would be entitled to labor protective conditions in accordance with *New York Dock Railway—Control—Brooklyn Eastern District Terminal* (New York Dock), 360 I.C.C 60, *aff'd New York Dock Railway* v. *United States,* 609 F.2d 83 (2d Cir. 1979), as modified by *Wilmington Terminal Railroad—Purchase & Lease—CSX Transportation Inc.* (Wilmington Terminal), 6 I.C.C. 2d 799, 814–26 (1990), *aff'd sub nom. Railway Labor Executives' Ass'n* v. *ICC,* 930 F.2d 511 (6th Cir. 1991).

Related Filings. In connection with this transaction, two notices of exemption were filed under 49 CFR 1180.2(d)(7).

FD 34209 (Sub-No. 1). In FD 34209 (Sub-No. 1), Applicant filed a verified notice of exemption under 49 CFR 1180.2(d)(7) to amend an existing trackage rights agreement between NSR and D&H involving trackage rights authorized by the Board in *Norfolk Southern Railway Company—Trackage Rights Exemption—Delaware & Hudson Railway Company,* FD 34209 (STB served July 25, 2002). The existing trackage rights extend over approximately 284.6 miles of CP's main line, between NSR's connection with CP at milepost 752.0 near Sunbury, Pa., and CP's connection with Guilford Rail System at milepost 467.40 at Mechanicville, N.Y. While the Control Transaction would allow NSR to acquire and operate the majority of this trackage, the new trackage rights agreement would allow NSR to retain approximately 17.45 miles of previously authorized trackage rights between milepost 484.85 ± in the vicinity of Schenectady, N.Y., and CPF 467 in the vicinity of Mechanicville. Applicant states that the retained trackage rights are necessary for NSR's continued access to its Mechanicville terminal and its continued interchange with Pan Am Southern LLC.

The parties intend to consummate this transaction upon the approval and consummation of the Control Transaction, should the Board approve that transaction. Applicant states that, if the transaction in FD 35873 is approved, NSR would become the owner of the portion of line between Sunbury, Pa., and Schenectady, N.Y., over which it currently has trackage rights authorized in FD 34209. As a condition to use of this exemption, Applicant states that any employees adversely affected by the transaction would be protected by the conditions set forth in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

FD 34562 (Sub-No. 1). In FD 34562 (Sub-No. 1), Applicant filed a verified notice of exemption under 49 CFR 1180.2(d)(7) to amend another existing trackage rights agreement between NSR and D&H, this one involving trackage rights authorized by the Board in *Norfolk Southern Railway Company—Trackage Rights Exemption—Delaware & Hudson Railway Company, Inc.,* FD 34562 (STB served Oct. 21, 2004). The existing trackage rights extend over approximately 155.24 miles of D&H lines as follows: (1) Between milepost 37.10 ± of D&H's Canadian Main Line in Saratoga Springs, N.Y., and the point of connection between D&H's Canadian Main Line and D&H's Freight Main Line at CPF 480, located at milepost 21.70 ± of D&H's Canadian Main Line, a total distance of approximately 15.4 miles; (2) between milepost 480.36 ± and milepost 611.15 ± of D&H's Freight Main Line in Binghamton, N.Y., a distance of approximately 130.79 miles; and (3) between milepost 611.15 ± and milepost 620.20 ± of D&H's Freight Main Line (including tracks into and within D&H's East Binghamton Yard) in Binghamton, a distance of approximately 9.05 miles. This amended trackage rights agreement would allow NSR to retain the portion of the previously authorized overhead trackage rights between milepost 37.10 ± of D&H's Canadian Main Line in Saratoga Springs and CPF 484 at Schenectady, N.Y. Applicant states that the retained trackage rights are needed for NSR's continued access and use of the line.

The parties also intend to consummate this transaction upon the approval and consummation of the Control Transaction, should the Board approve that transaction. Applicant states that, if the transaction in FD 35873 is approved, NSR would become the owner of the portion of the line between Binghamton and Schenectady, N.Y., over which it currently has trackage rights authorized in FD 34562. As a condition to use of this exemption, Applicant states that any employees adversely affected by the transaction would be protected by the conditions set forth in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

Primary application and related filings accepted. The Board finds that the proposed Control Transaction would be a ''minor transaction'' under 49 CFR 1180.2(c), and the Board accepts the primary application for consideration because it is in substantial compliance with the applicable regulations governing minor transactions. *See* 49 U.S.C. 11321–26; 49 CFR 1180. The Board is also accepting for consideration the two related filings, which are also in compliance with the applicable regulations. The Board reserves the right to require the filing of supplemental information as necessary to complete the record.

The statute and Board regulations treat a transaction that does not involve two or more Class I railroads differently depending upon whether or not the transaction would have ''regional or national transportation significance.'' 49 U.S.C. 11325. Under our regulations, at 49 CFR 1180.2, a transaction that does not involve two or more Class I railroads is to be classified as ''minor''—and thus not having regional or national transportation significance—if a determination can be made that either: (1) The transaction clearly will not have

any anticompetitive effects; or (2) any anticompetitive effects will clearly be outweighed by the anticipated contribution to the public interest in meeting significant transportation needs. A transaction not involving the control or merger of two or more Class I railroads is ''significant'' if neither of these determinations can clearly be made.

Nothing in the record thus far suggests that the Control Transaction would have anticompetitive effects, and any such effects that might result from the Control Transaction would appear, from the face of the application and the record to date, to be clearly outweighed by the Control Transaction's contribution to the public interest in meeting significant transportation needs. The Control Transaction involves 282.55 miles of rail line in a relatively small geographic area of Pennsylvania and New York.[3] Moreover, NSR states that approximately 80% of the traffic over the lines subject to the application is currently transported by NSR under its trackage rights agreements with D&H. Thus, as the application states, the Control Transaction would align ownership with usage. This would appear to provide public benefits, including promoting operating efficiencies and securing NSR's routes in the region, which would provide NSR with incentives to maintain and invest in the lines. In addition, because NSR and D&H have agreed to enter into two commercial agreements to ensure continued commercial access to both NSR and D&H, it does not appear that any shipper (on the D&H South Lines or on the short lines connecting with the D&H South Lines or NSR) would have fewer competitive rail alternatives as a result of the Control Transaction. Therefore, the Board finds the proposed Control Transaction to be a ''minor transaction.''

The Board has received several statements in support of the Control Transaction, as well as two objections to the ''minor transaction'' designation and several other elements of NSR's application. The statements in support generally express the commenters' belief that the Control Transaction would increase regional competition and efficiencies, and request the Board's expedited review and approval of the application. In addition, on December 8, 2014, NSR filed a List of Supporting Parties and Submission of Statements in Support of the Transaction, which included statements supporting the transaction from 78 shippers, short line railroads, and public agencies, some of whom also filed separately with the Board.

On December 9, 2014, Samuel J. Nasca, on behalf of SMART/Transportation Division, New York State Legislative Board (SMART/TD–NY), filed a reply to the Application and the two related trackage rights exemption filings. On December 10, 2014, CNJ Rail Corporation (CNJ) filed a reply in opposition to the petition to establish a procedural schedule and motion to reject the application as incomplete.[4] NSR filed responses to these replies on December 11, 2014, and December 10, 2014, respectively.

SMART/TD–NY contends that the Application was not complete until November 25, 2014, when NSR amended its November 17, 2014 application with errata. SMART/TD–NY therefore argues that the 30-day period for the Board to consider whether or not to accept NSR's application does not expire until December 26, 2014. Based on the contents of NSR's original filing and its November 25, 2014 supplement, the Board has had sufficient time to consider whether to accept NSR's application, to determine that this is a minor transaction as defined by the Board's regulations, and to set an appropriate procedural schedule. Accordingly, the Board will serve this decision within 30 days after Applicant filed its original application.[5]

SMART/TD–NY further asserts that the Board should apply labor protective conditions in accordance with *New York Dock,* rather than *Wilmington Terminal.* NSR responds that, in line sale transactions involving at least one Class I carrier (including ''minor line sale transactions involving joint ownership of lines and swaps of trackage rights''), the applicable labor protection standards are the *New York Dock* conditions as modified in *Wilmington Terminal.* The Board will address this issue in its final decision.

With respect to the substance of the Application, SMART/TD–NY argues that the Control Transaction is not minor because it is of regional or national transportation significance due to the fact that D&H is an indirect subsidiary of CP, which is a Class I railroad that is competitive with NSR. SMART/TD–NY argues that, accordingly, the Board cannot find that the Control Transaction would not clearly have any anti-competitive effects or that any such effects would be clearly outweighed by the public interest. SMART/TD–NY also states that the rail transportation involved in the Control Transaction is broader than is presented in the application, in that it ''extends westward beyond the Buffalo gateway, as well as eastward into New England.''

Despite SMART/TD–NY's assertions, the Control Transaction, as noted above, only involves rail lines in a relatively small geographic area of Pennsylvania and New York. D&H is an independent subsidiary of CP, and, consistent with Board precedent, D&H is the relevant party to this transaction.[6] NSR has met its burden of proof in preliminarily showing that the Control Transaction is a minor transaction. SMART/TD–NY has failed to provide the Board with sufficient evidence to rebut that preliminary finding.

CNJ similarly argues that the Control Transaction is not minor because, ''in essence,'' it involves two Class I railroads, as D&H is a subsidiary of CP. As discussed above, and consistent with past Board decisions, D&H, and not CP, is the proper entity for the Board to consider when analyzing this transaction.[7]

CNJ further argues that the transaction is not minor because it would have anticompetitive effects and alludes to two routes on the Delaware-Lackawanna Railroad Company, Inc. (DL) for which competition for ''potential'' traffic may

[3] As Applicant notes, the Board has classified numerous transactions having a larger scope than the Control Transaction as ''minor,'' including at least two in the same part of the country. *See, e.g., Canadian Nat'l Ry. —Control—Wis. Cent. Transp. Corp.,* FD 34000 (STB served May 9, 2001) (acquisition of over 2,464 route miles); *Kan. City S.—Control—Kan. City S. Ry.,* FD 34342 (STB served Nov. 29, 2004) (acquisition of 536 route miles); *Norfolk S. Ry.—Joint Control & Operating/Pooling Agreements—Pan Am S. LLC,* FD 35147 (STB served June 26, 2008) (involving 438 route miles of track and trackage rights in five states); *CSX Transp. Inc. & Delaware & Hudson Ry.—Joint Use Agreement,* FD 35348 (STB served May 27, 2010) (involving approximately 345 miles).

[4] On December 12, 2014, Alma Realty Corporation and Pace Glass, Inc. joined CNJ's motion to reject the Application on the ground that the Application is not complete. On December 12, 2014, NSR submitted a letter in opposition to Alma Realty and Pace Glass' letter joining CNJ's motion.

[5] SMART/TD–NY makes two additional procedural arguments. SMART/TD–NY argues that the Board should deny NSR's Motion for a Protective Order. NSR's Motion for a Protective Order will be addressed in a separate decision issued by the Director, Office of Proceedings. SMART/TD–NY also argues that the Board should consolidate the Control Transaction with the two notices of exemption filed by NSR in FD 34209 (Sub-No. 1) and FD 34562 (Sub-No. 1). As discussed elsewhere in this decision, this decision embraces those notices of exemption.

[6] *See CSX Transp., Inc. & Del. & Hudson Ry.—Joint Use Agreement,* FD 35348 (STB served May 27, 2010) (finding that a transaction involving CSX Transportation, Inc., a Class I railroad, and D&H, a Class II railroad and independent subsidiary of CP, was a minor transaction because it did not involve two or more Class I railroads).

[7] *See CSX Transp., Inc. & Del. & Hudson Ry.—Joint Use Agreement,* FD 35348 (STB served May 27, 2010). CNJ admits that the Control Transaction ''is not technically 'a merger or control of two Class I railroads[.]' ''

be reduced from two carriers to one. CNJ asserts that the only way to restore competition for these potential 2-to-1 markets is through the filing of a responsive trackage rights application. NSR responds that the commodities that CNJ argues could be routed over the lines (municipal solid waste and recycled glass) are not currently moved over the lines, nor are there any indications that such shipments are even feasible in the future. NSR also states that CSX Transportation, Inc. (CSX) appears to serve the location where the alleged routes originate.

CNJ provides no support for its assertion that the Control Transaction would have anticompetitive effects. CNJ asserts only a ''realistic potential'' that these 2-to-1 routings may exist, while NSR states that no such routings currently exist. Nor have any potential or existing shippers on those routes opposed the classification of this transaction as minor. Moreover, the filing of responsive trackage rights applications is not the sole method by which potential anticompetitive effects, if any, could be cured. The Board, after the record in this proceeding is fully developed, has the ability to deny NSR's application or to approve the Control Transaction subject to conditions that would mitigate or eliminate any deleterious effects on regional or national transportation. Thus, CNJ has not provided the Board with sufficient evidence to rebut a preliminary finding that this transaction should be classified as minor.

In addition, CNJ argues that NSR's application should be rejected as incomplete because it has not included all relevant filings. CNJ states that NSR's application includes reference to discontinuance applications that it expects D&H will file with regard to certain trackage rights,[8] and that in order for NSR's application here to be complete, NSR would need to include either those applications or adverse discontinuance applications for those trackage rights. CNJ argues that NSR is asking the Board to evaluate these discontinuances, even though those applications have not been filed with the Board. NSR argues that the Board may assess the Control Transaction, because it is sufficiently independent from any potential Board decision on the discontinuances.

CNJ has failed to demonstrate that the trackage rights applications it is concerned about should have been included in NSR's application. CNJ appears to be referencing the same trackage rights that NSR states in its application are ''not economically justified'' independent of this application.[9] The D&H trackage rights run over NSR lines that are not part of the D&H Short Lines at issue in this Control Transaction. Therefore, the Board need not address these trackage rights in this proceeding. As a result, CNJ has not demonstrated that NSR's application is incomplete.

In sum, based on the information provided in the Application and the record to date, the Board finds the proposed Control Transaction to be a minor transaction under 49 CFR 1180.2(c).[10] Such a categorization does not mean that the proposed Control Transaction is insignificant or not of importance. Indeed, the Board will carefully review the proposed Control Transaction to make certain that it does not substantially lessen competition, create a monopoly, or restrain trade and that any anticompetitive effects are outweighed by the public interest. *See* 49 U.S.C. 11324(d)(1)–(2). The Board also may condition the Control Transaction to mitigate or eliminate any deleterious effects on regional or national transportation.

Procedural Schedule. The Board has considered Applicant's request (filed November 17, 2014) for an expedited procedural schedule under which the Board would be required to issue its final decision before the statutory deadline of 180 days after the filing of the application. Applicant's proposed procedural schedule would have the Board set the due date for responses to comments, protests, requests for conditions, and other opposition and rebuttal in support of the application on March 17, 2015, 15 days before the Board is required to conclude evidentiary proceedings under 49 U.S.C. 11325(d)(2). As this would be the conclusion of evidentiary proceedings, this would then require the Board to issue a final decision by May 1, 2015, because the Board is required to issue a final decision ''by the 45th day after the date on which it concludes the evidentiary proceedings.''[11] This may be in error, as Applicant's petition states that the proposed procedural schedule ''provides the full statutory time for the Board to issue its final decision,'' and the proposed schedule in Appendix A to the petition lists Friday, May 15, 2015, as the proposed deadline for a final decision.[12] In the interest of allowing time for the record to develop fully, the Board will set the procedural schedule to allow the full 180 days for review.

The Board has also considered, and rejected, SMART/TD–NY's and CNJ's arguments regarding the procedural schedule for this proceeding.[13]

For further information respecting dates, see the Appendix A (Procedural Schedule).

Notice of Intent To Participate. Any person who wishes to participate in this proceeding as a POR must file with the Board, no later than December 29, 2014, a notice of intent to participate, accompanied by a certificate of service indicating that the notice has been properly served on the Secretary of Transportation, the Attorney General of the United States, and Mr. Mullins.

If a request is made in the notice of intent to participate to have more than one name added to the service list as a POR representing a particular entity, the extra name will be added to the service list as a ''Non-Party.'' The list will reflect the Board's policy of allowing only one official representative per party to be placed on the service list, as specified in Press Release No. 97–68 dated August 18, 1997, announcing the implementation of the Board's ''One Party-One Representative'' policy for service lists. Any person designated as a Non-Party will receive copies of Board decisions, orders, and notices but not copies of official filings. Persons seeking to change their status must accompany that request with a written certification that he or she has complied with the service requirements set forth at 49 CFR 1180.4, and any other requirements set forth in this decision.

Service List Notice. The Board will serve, as soon after December 29, 2014 as practicable, a notice containing the official service list (the service-list notice). Each POR will be required to serve upon all other PORs, within 10 days of the service date of the service-list notice, copies of all filings previously submitted by that party (to the extent such filings have not previously been served upon such other

[8] *See* NSR Pet. n.3.

[9] *See* NSR Pet. 27–28 & n.24.

[11] 49 U.S.C. 11325(d)(2).

[12] Applicant's petition also states that ''the proposed procedural schedule provides for issuance of a final Board decision by May 7, 2015.'' Based on the full text of the petition and the schedule proposed in Appendix A to the petition, this appears to also be in error.

[13] While SMART/TD–NY argues that the Board should revise NSR's proposed procedural schedule to reflect the significance of the Control Transaction, the Board has preliminarily concluded that the Control Transaction is a ''minor'' transaction, not a ''significant'' transaction. Moreover, despite CNJ's assertion that NSR's proposed procedural schedule is misleading because it does not include a deadline by which the public must object to the ''minor'' classification, the Board does not require an applicant to indicate such a deadline when proposing a procedural schedule.

parties). Each POR will also be required to file with the Board, within 10 days of the service date of the service-list notice, a certificate of service indicating that the service required by the preceding sentence has been accomplished. Every filing made by a POR after the service date of the service-list notice must have its own certificate of service indicating that all PORs on the service list have been served with a copy of the filing. Members of the United States Congress (MOCs) and Governors (GOVs) are not parties of record and need not be served with copies of filings, unless any Member or Governor has requested to be, and is designated as, a POR.

Service of Decisions, Orders, and Notices. The Board will serve copies of its decisions, orders, and notices only on those persons who are designated on the official service list as either POR, MOC, GOV, or Non-Party. All other interested persons are encouraged to secure copies of decisions, orders, and notices via the Board's Web site at ''*www.stb.dot.gov''* under ''E–LIBRARY/Decisions & Notices.''

Access to Filings. Under the Board's rules, any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order. 49 CFR 1180.4(a)(3). The application and other filings in this proceeding are available for inspection in the library (Room 131) at the offices of the Surface Transportation Board, 395 E Street SW., in Washington, DC, and will also be available on the Board's Web site at ''*www.stb.dot.gov''* under ''E–LIBRARY/Filings.'' In addition, the application may be obtained from Mr. Mullins at the address indicated above.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The primary application in FD 35873 and the related filings in FD 34209 (Sub-No. 1) and FD 34562 (Sub-No. 1) are accepted for consideration.

2. The parties to this proceeding must comply with the procedural schedule adopted by the Board in this proceeding as shown in Appendix A.

3. The parties to this proceeding must comply with the procedural requirements described in this decision.

4. This decision is effective on December 16, 2014.

Decided: December 16, 2014.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Brendetta Jones,

Clearance Clerk.

Appendix A: Procedural Schedule

November 17, 2014—Motion for Protective Order filed. Application and Motion to Establish Procedural Schedule filed.

December 16, 2014—Board notice of acceptance of application served (to be published in the **Federal Register** on December 22, 2014).

December 29, 2014—Notices of intent to participate in this proceeding due.

January 15, 2015—All comments, protests, requests for conditions, and any other evidence and argument in opposition to the application, including filings of DOJ and DOT, due.

March 31, 2015—Responses to comments, protests, requests for conditions, and other opposition due. Rebuttal in support of the application due.

May 15, 2015—Date by which a final decision will be served.

June 15, 2015 [14]—Date by which a final decision will become effective.

[FR Doc. 2014–29835 Filed 12–19–14; 8:45 am]

BILLING CODE 4915–01–P

[14] The final decision will become effective 30 days after it is served.

DEPARTMENT OF THE TREASURY

Notice of Roundtable Discussion on Financial Access for Money Services Businesses (MSBs)

AGENCY: Offices of Terrorism and Financial Intelligence, International Affairs, and Domestic Finance, U.S. Department of the Treasury (Treasury).

ACTION: Meeting Notice.

SUMMARY: Treasury is announcing a January 13, 2015 roundtable discussion on financial access for money services businesses (MSBs). Treasury is hosting the roundtable to share the U.S. Government perspective on issues pertaining to financial access for MSBs and to hear from industry.

DATES: The roundtable will be held on January 13, 2015 from 9:00 a.m. to 3:00 p.m. Eastern Standard Time.

ADDRESSES: Department of the Treasury, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: *FinancialAccess@treasury.gov.*

SUPPLEMENTARY INFORMATION: Treasury is inviting various members of the U.S. Government, regulatory community, banking and credit union sectors, and MSB sector to participate. In addition, Treasury invites other interested parties, including industry representatives, to send requests to attend. Due to space restrictions, attendance will be limited, but all parties are invited to provide comments and/or questions to be raised at the roundtable.

Requests to attend as well as comments and/or questions to be raised at the roundtable can be sent to *FinancialAccess@treasury.gov.* Treasury will give preference in attendance to industry stakeholders on a first-come-first-serve basis. Parties will be contacted directly by email no later than Tuesday, January 6, 2015 if selected to attend the event.

Requests to attend the roundtable and/or provide written comments or questions must be received on or before January 2, 2015. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Jennifer Fowler,

Deputy Assistant Secretary for Terrorist Financing and Financial Crimes.

Melissa Koide,

Deputy Assistant Secretary for Consumer Policy.

Alexia Latortue,

Deputy Assistant Secretary for International Development Policy.

[FR Doc. 2014–29928 Filed 12–19–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0132]

Proposed Information Collection (Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This

notice solicits comments for information needed to determine a veteran's eligibility for specially adapted housing or special home adaptation grant.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before February 20, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov*.

Please refer to ''OMB Control No. 2900–0132'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant, VA Form 26–4555.

OMB Control Number: 2900–0132.

Type of Review: Revision of a currently approved collection.

Abstract: Veterans with service-connected disability complete VA Form 26–4555 to apply for assistance in acquiring specially adapted housing or the special home adaptation grant. VA will use the data collected to determine the Veteran's eligibility.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 6,000.

Dated: December 17, 2014.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–29849 Filed 12–19–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0744]

Agency Information Collection Activities (Call Center Satisfaction Survey) Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before January 21, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0744'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0744'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: VBA Call Center Satisfaction Survey.

OMB Control Number: 2900–0744.

Type of Review: Revision of a currently approved collection.

Abstract: VBA maintains a commitment to improve the overall quality of service for Veterans. Feedback from Veterans regarding their recent experience to the VA call centers will provide VBA with three key benefits to: (1) Identify what is most important to Veterans; (2) determine what to do to improve the call center experience; and (3) serve to guide training and/or operational activities aimed at enhancing the quality of service provided to Veterans and active duty personnel.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 11, 2014, at page 40205.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,600 hours.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 36,000.

Dated: December 17, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–29836 Filed 12–19–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0005]

Agency Information Collection (Application for Dependency and Indemnity Compensation by Parent(s), (Including Accrued Benefits and Death Compensation)): Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the

collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before January 21, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0005'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov*. Please refer to ''OMB Control No. 2900–0005'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Application for Dependency and Indemnity Compensation by Parent(s), (Including Accrued Benefits and Death Compensation), VA Form 21–535.

OMB Control Number: 2900–0005.

Type of Review: Revision of a currently approved collection.

Abstract: Surviving parent(s) of veterans whose death was service connected complete VA Form 21P–535 to apply for dependency and indemnity compensation, death compensation, and/or accrued benefits. The information collected is used to determine the claimant's eligibility for death benefits sought.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 2, 2014, at pages 59558–59559.

Affected Public: Individuals or households.

Estimated Annual Burden: 4,320 hours.

Estimated Average Burden Per Respondent: 1 hour 12 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 3,600.

Dated: December 17, 2014.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–29855 Filed 12–19–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0720]

Agency Information Collection (Operation Enduring Freedom/ Operation Iraqi Freedom Seriously Injured/Ill Service Member Veteran Worksheet): Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before January 21, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0720'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0720'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Operation Enduring Freedom/ Operation Iraqi Freedom Seriously Injured/Ill Service Member Veteran Worksheet, VA Form 21–0773.

OMB Control Number: 2900–0720.

Type of Review: Revision of a currently approved collection.

Abstract: Veterans Service Representatives used VA Form 21–0773 as a checklist to ensure they provided Operation Enduring Freedom or Operation Iraqi Freedom service members who have at least six months remaining on active duty and may have suffered a serious injury or illness, with information, applications, and/or referral service regarding VA benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on August 29, 2014, at page 51653.

Affected Public: Individuals or households.

Estimated Annual Burden: 7,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 14,000.

Dated: December 17, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–29834 Filed 12–19–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part II

Regulatory Information Service Center

Introduction to the Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Executive Order 12866 ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), and incorporated in Executive Order 13563, ''Improving Regulation and Regulatory Review'' issued on January 18, 2011 (76 FR 3821) establish guidelines and procedures for agencies' agendas, including specific types of information for each entry.

The *Unified Agenda of Federal Regulator and Deregulatory Actions* (Unified Agenda) helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of the Unified Agenda. The complete 2014 Unified Agenda and Regulatory Plan, which contains the regulatory agendas for Federal agencies, is available to the public at *http://reginfo.gov*.

The fall 2014 Unified Agenda publication appearing in the **Federal Register** consists of *The Regulatory Plan* and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

The complete fall 2014 Unified Agenda contains the Regulatory Plans of 30 Federal agencies and the regulatory agendas of 31 other Federal agencies.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., 2219F, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., 2219F, Washington, DC 20405, (202) 482–7340. You may also send comments to us by email at: *risc@gsa.gov*.

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Introduction to the Fall 2014 Regulatory Plan

AGENCY REGULATORY PLANS

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury
Department of Veterans Affairs

Other Executive Agencies

Architectural and Transportation Barriers Compliance Board
Environmental Protection Agency
Equal Employment Opportunity Commission
General Services Administration
National Aeronautics and Space Administration
National Archives and Records Administration
Office of Personnel Management
Pension Benefit Guaranty Corporation
Small Business Administration
Social Security Administration

Independent Regulatory Agencies

Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Trade Commission
National Indian Gaming Commission
Nuclear Regulatory Commission

AGENCY AGENDAS

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation

Other Executive Agencies

Architectural and Transportation Barriers Compliance Board
Environmental Protection Agency
General Services Administration
National Aeronautics and Space Administration
Small Business Administration
Joint Authority
Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

Independent Regulatory Agencies

Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Federal Communications Commission
Federal Reserve System
Nuclear Regulatory Commission
Securities and Exchange Commission
Surface Transportation Board

INTRODUCTION TO THE REGULATORY PLAN AND THE UNIFIED AGENDA OF FEDERAL REGULATORY AND DEREGULATORY ACTIONS

I. What are the Regulatory Plan and the Unified Agenda?

The Regulatory Plan serves as a defining statement of the Administration's regulatory and deregulatory policies and priorities. The Plan is part of the fall edition of the Unified Agenda. Each participating agency's regulatory plan contains: (1) A narrative statement of the agency's regulatory and deregulatory priorities, and, for the most part, (2) a description of the most important significant regulatory and deregulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year. This edition includes the regulatory plans of 30 agencies.

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at *http://reginfo.gov*. The online Unified Agenda offers flexible search tools and access to the historic Unified Agenda database to 1995.

The fall 2014 Unified Agenda publication appearing in the **Federal Register** consists of *The Regulatory Plan* and agency regulatory flexibility

agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://reginfo.gov*.

These publication formats meet the publication mandates of the Regulatory Flexibility Act and Executive Order 12866 (incorporated in Executive Order 13563), as well as moved the Agenda process to the goal of online availability, resulting in a reduced cost in printing. The current online format does not reduce the amount of information available to the public. The complete online edition of the Unified Agenda includes regulatory agendas from 61 Federal agencies. Agencies of the United States Congress are not included.

The following agencies have no entries identified for inclusion in the printed regulatory flexibility agenda. An asterisk (*) indicates agencies that appear in *The Regulatory Plan*. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov*.

Department of Housing and Urban Development*
Department of State
Department of Treasury*
Department of Veterans Affairs*
Advisory Council on Historic Preservation
Agency for International Development
Commission on Civil Rights
Committee for Purchase From People Who Are Blind or Severely Disabled
Corporation for National and Community Service
Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission*
Institute of Museum and Library Services
National Archives and Records Administration*
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Office of Government Ethics
Office of Management and Budget
Office of Personnel Management*
Peace Corps
Pension Benefit Guaranty Corporation*
Railroad Retirement Board
Social Security Administration*
Consumer Financial Protection Bureau*
Consumer Product Safety Commission*
Farm Credit Administration
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission*
Gulf Coast Ecosystem Restoration CouncilNational Credit Union Administration
National Credit Union Administration
National Indian Gaming Commission*
National Labor Relations Board
National Transportation Safety Board
Postal Regulatory Commission
Recovery Accountability and Transparency Board

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Regulatory Plan and Unified Agenda do not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why Are The Regulatory Plan and the Unified Agenda published?

The Regulatory Plan and the Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The *Regulatory Flexibility Act* requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866 entitled ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 13563

Executive Order 13563 entitled ''Improving Regulation and Regulatory Review,'' issued on January 18, 2011, supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866, which includes the general principles of regulation and public participation, and orders integration and innovation in coordination across agencies; flexible approaches where relevant, feasible, and consistent with regulatory approaches; scientific integrity in any scientific or technological information and processes used to support the agencies' regulatory actions; and retrospective analysis of existing regulations.

Executive Order 13132

Executive Order 13132 entitled ''Federalism,'' signed August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The *Unfunded Mandates Reform Act of 1995* (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more . . . in any 1 year . . . . '' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211 entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The *Small Business Regulatory Enforcement Fairness Act* (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How Are The Regulatory Plan and the Unified Agenda organized?

The Regulatory Plan appears in part II in a daily edition of the **Federal Register**. The Plan is a single document beginning with an introduction, followed by a table of contents, followed by each agency's section of the Plan. Following the Plan in the **Federal Register**, as separate parts, are the regulatory flexibility agendas for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The sections of the Plan and the parts of the Unified Agenda are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority (Agenda only); and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each printed agency agenda has a table of contents listing the agency's printed entries that follow. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

Each agency's section of the Plan contains a narrative statement of regulatory priorities and, for most agencies, a description of the agency's most important significant regulatory and deregulatory actions. Each agency's part of the Agenda contains a preamble providing information specific to that agency plus descriptions of the agency's regulatory and deregulatory actions.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies whose agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the

ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on *http://reginfo.gov* to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda's subject index based on the **Federal Register** Thesaurus of Indexing Terms. In addition, online users have the option of searching Agenda text fields for words or phrases.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 12/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe

that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''that 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.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency's current regulatory plan published in fall 2014.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the Internet address of a site that provides more information about the entry.

Public Comment URL—the Internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the Governmentwide e-rulemaking site, *http://www.regulations.gov*.

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

EO—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

Public Law (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Pub. L. 112–4 is the fourth public law of the 112th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Regulatory Plan and the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Regulatory Plan and the Unified Agenda. Note that a specific regulatory action will have the

same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the plan and the agenda?

Copies of the **Federal Register** issue containing the printed edition of *The Regulatory Plan* and the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's Web site. Please contact the particular agency for further information.

All editions of *The Regulatory Plan* and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at *http://reginfo.gov*, along with flexible search tools.

The Government Printing Office's GPO FDsys Web site contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.fdsys.gov*.

Dated: September 19, 2014.

John C. Thomas,

Executive Director.

INTRODUCTION TO THE 2014 REGULATORY PLAN

Executive Order 12866, issued in 1993, requires the production of a Unified Regulatory Agenda and Regulatory Plan. Executive Order 13563, issued in 2011, reaffirmed the requirements of Executive Order 12866.

Consistent with these Executive Orders, the Office of Information and Regulatory Affairs is providing the 2014 Unified Regulatory Agenda (Agenda) and the Regulatory Plan (Plan) for public review. The Agenda and Plan are preliminary statements of regulatory and deregulatory policies and priorities under consideration. The Agenda and Plan include ''active rulemakings'' that agencies could possibly conclude over the next year. As in previous years, however, this list may also include some rules that agencies will not end up issuing in the coming year.

The Plan provides a list of important regulatory actions that agencies are considering for issuance in proposed or final form during the 2015 fiscal year. In contrast, the Agenda is a more inclusive list, including numerous ministerial actions and routine rulemakings, as well as long-term initiatives that agencies do not plan to complete in the coming year but on which they are actively working.

A central purpose of the Agenda is to involve the public, including State, local, and tribal officials, in federal regulatory planning. The public examination of the Agenda and Plan will facilitate public participation in a regulatory system that, in the words of Executive Order 13563, protects ''public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.'' We emphasize that rules listed on the Agenda must still undergo significant development and review before they are issued. No regulatory action can become effective until it has gone through the legally required processes, which generally include public notice and comment. Any proposed or final action must also satisfy the requirements of relevant statutes, Executive Orders, and Presidential Memoranda. Those requirements, public comments, and new information may or may not lead an agency to go forward with an action that is currently under contemplation.

Among other information, the Agenda also provides an initial classification of whether a rulemaking is ''significant'' or ''economically significant'' under the terms of Executive Orders 12866 and 13563. Whether a regulation is listed on the Agenda as ''economically significant'' within the meaning of Executive Order 12866 (generally, having an annual effect on the economy of $100 million or more) does not necessarily indicate whether it imposes high costs on the private sector. Economically significant actions may impose small costs or even no costs.

Regulations may count as economically significant because they confer large benefits or remove significant burdens. For example, the Department of Health and Human Services issues regulations on an annual basis, pursuant to statute, to govern annual changes in Medicare payments. These payment regulations effectively authorize transfers of billions of dollars to hospitals and other health care providers each year. Regulations might therefore count as economically significant not because they impose significant regulatory costs on the private sector, but because they involve transfer payments as required or authorized by law.

EOs 13563 and 13610: The Retrospective Review of Regulation

Executive Order 13563 reaffirms the principles, structures, and definitions in Executive Order 12866, which has long governed regulatory review. Executive Order 13563 explicitly points to the need for predictability and certainty, as well as for use of the least burdensome means to achieving regulatory ends. These Executive Orders include the requirement that, to the extent permitted by law, agencies should not proceed with rulemaking in the absence of a reasoned determination that the benefits justify the costs; they establish public participation, integration and innovation, flexible approaches, scientific integrity, and retrospective review as areas of emphasis in regulation. In particular, Executive Order 13563 explicitly draws attention to the need to measure and to improve ''the actual results of regulatory requirements''—a clear reference to the importance of retrospective evaluation.

Executive Order 13563 addresses new regulations that are under development as well as retrospective review of existing regulations that are already in place. With respect to agencies' review of existing regulations, the Executive Order calls for careful reassessment based on empirical analysis. The prospective analysis required by Executive Order 13563 may depend on a degree of prediction and speculation about a rule's likely impacts, and the actual costs and benefits of a regulation may be lower or higher than what was anticipated when the rule was originally developed.

Executive Order 13610, *Identifying and Reducing Regulatory Burdens*, issued in 2012, institutionalizes the retrospective or lookback mechanism set out in Executive Order 13563 by requiring agencies to report to OMB and the public twice each year (January and July) on the status of their retrospective review efforts, to ''describe progress, anticipated accomplishments, and proposed timelines for relevant actions.''

Executive Orders 13563 and 13610 recognize that circumstances may change in a way that requires reconsideration of regulatory requirements. Lookback analysis allows agencies to reevaluate existing rules and to streamline, modify, or eliminate those regulations that do not make sense in their current form. The agencies' lookback efforts so far during this Administration have yielded nearly $20 billion in near term savings for the

American public, with significantly more to come.

The Administration is continuing to work with agencies to institutionalize retrospective review so that agencies regularly review existing rules on the books to ensure they remain effective, cost-justified, and based on the best available science. By institutionalizing retrospective review of regulations, the Administration will continue to examine what is working and what is not, and eliminate unjustified and outdated regulations.

Regulatory lookback is an ongoing exercise, and continues to be a high priority for the Administration. As part of that prioritization, the Administration requires that agencies regularly report about recent progress and coming initiatives. In accordance with Executive Order 13610 and Executive Order 13563, in July 2014, agencies submitted to OIRA the latest updates of their retrospective review plans. Federal agencies will again update their retrospective review plans this winter. We have also asked agencies to continue to emphasize regulatory lookbacks in their latest Regulatory Plans.

Reflecting that focus, the current agenda lists 83 rules that are characterized as retroactively reviewing existing programs. Below are some examples of agency plans to reevaluate current practices, in accordance with Executive Orders 13563 and 13610:

—The Department of Health and Human Services (HHS) is working on a rule to revise the requirements that Long-Term Care facilities must meet to participate in the Medicare and Medicaid programs. These proposed changes are necessary to reflect the substantial advances that have been made over the past several years in the theory and practice of service delivery and safety. These proposals are also an integral part of HHS's efforts to achieve broad-based improvements both in the quality of health care furnished through Federal programs, and in patient safety, while at the same time reducing procedural burdens on providers.

—The Department of Housing and Urban Development (HUD) is working on a final rule to streamline the inspection and home warranty requirements for Federal Housing Administration (FHA) single family mortgage insurance and, in doing so, would increase choice and lower the costs for FHA borrowers. First, HUD would remove regulations that require the use of an inspector from the FHA Inspector Roster as a condition for FHA mortgage insurance. This change is based on the recognition of the sufficiency and quality of inspections carried out by local jurisdictions, and HUD expects the rule will increase competition and choice of inspectors among lenders. Second, this rule would also remove the regulations requiring homeowners to purchase 10-year protection plans from FHA-approved warranty issuers in order to qualify for high loan-to-value FHA-insured mortgages. This change is based on the increased quality of construction materials and the standardization of building codes and building code enforcement, and HUD expects the rule will reduce burden on homeowners that do not want to purchase warranties and increase choice for the homeowners that still want to purchase warranties. In total, HUD estimates up to $29 million in warranty expenditures avoided, $100,000 in paperwork burden savings for the public, and $50,000 in administrative cost savings for HUD.

—The Department of Labor is working to revise existing Sex Discrimination Guidelines, which have not been substantively updated since 1973, and to replace them with regulations that align with current law and legal principles in order to address their application to current workplace practices and issues.

E.O. 13609: International Regulatory Cooperation

In addition to using regulatory lookback as a tool to make our regulatory system more efficient, the Administration has been focused on promoting international regulatory cooperation. International regulatory cooperation supports economic growth, job creation, innovation, trade and investment, while also protecting public health, safety, and welfare. In May 2012 President Obama issued Executive Order 13609, *Promoting International Regulatory Cooperation*, which emphasizes the importance of these efforts as a key tool for eliminating unnecessary differences in regulation between the United States and its major trading partners. Additionally, as part of the regulatory lookback initiative, Executive Order 13609 requires agencies to ''consider reforms to existing significant regulations that address unnecessary differences in regulatory requirements between the United States and its major trading partners . . . when stakeholders provide adequate information to the agency establishing that the differences are unnecessary.''

Executive Order 13609 also directed agencies to submit a Regulatory Plan that includes ''a summary of its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations, with an explanation of how these activities advance the purposes of Executive Order 13563,'' and Executive Order 13609. Further, Executive Order 13609 requires agencies to ''ensure that significant regulations that the agency identifies as having significant international impacts are designated as such'' in the Regulatory Agenda. In furtherance of this focus on international regulatory cooperation, this summer, the Administration and Canada released the U.S.-Canada Regulatory Cooperation Council (RCC) Joint Forward Plan.[1] The Forward Plan represents a significant pivot point for the Administration's regulatory cooperation relationships with Canada, and outlines new Federal agency-level partnership arrangements to help institutionalize the way our regulators work together. The Forward Plan will help remove duplicative requirements, develop common standards, and identify potential areas where future regulation may unnecessarily differ. This kind of international cooperation on regulations between the United States and Canada will help eliminate barriers to doing business in the United States or with U.S. companies, grow the economy, and create jobs. The Forward Plan identifies 24 areas of cooperation where the United States and Canada will work together to implement over the next three to five years in order to modernize our thinking around international regulatory cooperation and develop a toolbox of strategies to address international regulatory issues as they arise. We expect that future Agendas will reflect strong evidence of this partnership.

The Administration continues to foster a regulatory system that emphasizes that careful consideration of costs and benefits, public participation, integration and innovation, flexible approaches, and science. These requirements are meant to produce a regulatory system that draws on recent learning, that is driven by evidence, and that is suited to the distinctive circumstances of the twenty-first century.

[1] Available at: *http://www.whitehouse.gov/sites/default/files/omb/oira/irc/us-canada-rcc-joint-forward-plan.pdf.*

DEPARTMENT OF AGRICULTURE

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
1	National Organic Program, Origin of Livestock, NOP–11–0009	0581–AD08	Proposed Rule Stage.
2	National Organic Program, Organic Pet Food Standards	0581–AD20	Proposed Rule Stage.
3	National Organic Program, Organic Apiculture Practice Standard, NOP–12–0063	0581–AD31	Proposed Rule Stage.
4	National Organic Program—Organic Aquaculture Standards	0581–AD34	Proposed Rule Stage.
5	Exemption of Producers and Handlers of Organic Products From Assessment Under a Commodity Promotion Law.	0581–AD37	Proposed Rule Stage.
6	Noninsured Crop Disaster Assistance Program	0560–AI20	Final Rule Stage.
7	Conservation Compliance	0560–AI26	Final Rule Stage.
8	Conservation Reserve Program (CRP)	0560–AI30	Final Rule Stage.
9	Brucellosis and Bovine Tuberculosis; Update of General Provisions	0579–AD65	Proposed Rule Stage.
10	Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables.	0579–AD71	Proposed Rule Stage.
11	Viruses, Serums, Toxins, and Analogous Products; Single Label Claim for Veterinary Biological Products.	0579–AD64	Final Rule Stage.
12	User Fees for Agricultural Quarantine and Inspection Services	0579–AD77	Final Rule Stage.
13	Emergency Supplemental Nutrition Assistance for Victims of Disasters Procedures.	0584–AE00	Proposed Rule Stage.
14	Child Nutrition Program Integrity	0584–AE08	Proposed Rule Stage.
15	Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010.	0584–AE18	Proposed Rule Stage.
16	Enhancing Retailer Eligibility Standards in SNAP	0584–AE27	Proposed Rule Stage.
17	Supplemental Nutrition Assistance Program: Farm Bill of 2008 Retailer Sanctions	0584–AD88	Final Rule Stage.
18	Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010.	0584–AE25	Final Rule Stage.
19	SNAP: Employment and Training (E&T) Performance Measurement, Monitoring and Reporting Requirements.	0584–AE33	Final Rule Stage.
20	Requirements for the Disposition of Non-Ambulatory Disabled Veal Calves	0583–AD54	Proposed Rule Stage.
21	Mandatory Inspection of Fish of the order Siluriformes and Products Derived From Such Fish.	0583–AD36	Final Rule Stage.
22	Electronic Export Application and Certification as a Reimbursable Service and Flexibility in the Requirements for Official Export Inspection Marks, Devices, and Certificates.	0583–AD41	Final Rule Stage.
23	Descriptive Designation for Needle- or Blade-Tenderized (Mechanically Tenderized) Beef Products.	0583–AD45	Final Rule Stage.
24	Records to be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products.	0583–AD46	Final Rule Stage.
25	Forest Service Manual 2020—Ecological Restoration and Resilience Policy	0596–AC82	Final Rule Stage.
26	Land Management Planning Rule Policy	0596–AD06	Final Rule Stage.
27	Rural Energy for America Program	0570–AA76	Final Rule Stage.
28	Business and Industry (B&I) Guaranteed Loan Program	0570–AA85	Final Rule Stage.
29	Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program.	0570–AA93	Final Rule Stage.
30	Agricultural Conservation Easement Program	0578–AA61	Final Rule Stage.
31	Environmental Quality Incentives Program (EQIP) Interim Rule	0578–AA62	Final Rule Stage.
32	Conservation Stewardship Program Interim Rule	0578–AA63	Final Rule Stage.

DEPARTMENT OF COMMERCE

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
33	Requirements for Importation of Fish and Fish Product under the U.S. Marine Mammal Protection Act.	0648–AY15	Proposed Rule Stage.
34	Designation of Critical Habitat for the North Atlantic Right Whale	0648–AY54	Proposed Rule Stage.
35	Revision of Hawaiian Monk Seal Critical Habitat	0648–BA81	Proposed Rule Stage.
36	Revision of the National Standard 1 Guidelines	0648–BB92	Proposed Rule Stage.
37	Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico.	0648–AS65	Final Rule Stage.

DEPARTMENT OF DEFENSE

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
38	Limitations on Terms of Consumer Credit Extended to Service Members and Dependents.	0790–AJ10	Proposed Rule Stage.
39	Defense Industrial Base (DIB) Cyber Security/Information Assurance (CS/IA) Activities: Amendment.	0790–AJ14	Proposed Rule Stage.
40	Service Academies	0790–AI19	Final Rule Stage.

DEPARTMENT OF DEFENSE—Continued

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
41	Foreign Commercial Satellite Services (DFARS Case 2014–D010)	0750–AI32	Final Rule Stage.
42	CHAMPUS/TRICARE: Pilot Program for Refills of Maintenance Medications for TRICARE For Life Beneficiaries Through the TRICARE Mail Order Program.	0720–AB60	Final Rule Stage.

DEPARTMENT OF EDUCATION

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
43	Pay As You Earn	1840–AD18	Proposed Rule Stage.
44	Workforce Innovation and Opportunity Act	1830–AA21	Proposed Rule Stage.

DEPARTMENT OF ENERGY

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
45	Energy Conservation Standards for General Service Lamps	1904–AD09	Prerule Stage.
46	Energy Efficiency Standards for Manufactured Housing	1904–AC11	Proposed Rule Stage.
47	Energy Conservation Standards for Residential Non-weatherized Gas Furnaces	1904–AD20	Proposed Rule Stage.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
48	Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals.	0910–AG10	Proposed Rule Stage.
49	Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption.	0910–AG35	Proposed Rule Stage.
50	Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food.	0910–AG36	Proposed Rule Stage.
51	Reports of Distribution and Sales Information for Antimicrobial Active Ingredients Used in Food-Producing Animals.	0910–AG45	Proposed Rule Stage.
52	Foreign Supplier Verification Program	0910–AG64	Proposed Rule Stage.
53	"Tobacco Products" Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act.	0910–AG38	Final Rule Stage.
54	Food Labeling: Calorie Labeling of Articles of Food Sold in Vending Machines	0910–AG56	Final Rule Stage.
55	Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments.	0910–AG57	Final Rule Stage.
56	Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications.	0910–AG66	Final Rule Stage.
57	Revision of Postmarketing Reporting Requirements Discontinuance or Interruption in Supply of Certain Products (Drug Shortages).	0910–AG88	Final Rule Stage.
58	Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products.	0910–AG94	Final Rule Stage.
59	Veterinary Feed Directive	0910–AG95	Final Rule Stage.
60	Reform of Requirements for Long-Term Care Facilities (CMS–3260–P)	0938–AR61	Proposed Rule Stage.
61	Mental Health Parity and Addiction Equity Act of 2008; the Application to Medicaid Managed Care, CHIP, and Alternative Benefit Plans (CMS–2333–P).	0938–AS24	Proposed Rule Stage.
62	Electronic Health Record (EHR) Incentive Programs—Stage 3 (CMS–3310–P)	0938–AS26	Proposed Rule Stage.
63	CY 2016 Revisions to Payment Policies under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1631–P).	0938–AS40	Proposed Rule Stage.
64	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2016 Rates (CMS–1632–P).	0938–AS41	Proposed Rule Stage.
65	CY 2016 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1633–P).	0938–AS42	Proposed Rule Stage.
66	Eligibility Notices, Fair Hearing and Appeal Processes for Medicaid and Exchange Eligibility Appeals, and Other Eligibility and Enrollment Provisions (CMS–2334–F2).	0938–AS27	Final Rule Stage.
67	Child Care and Development Fund Reforms to Support Child Development and Working Families.	0970–AC53	Final Rule Stage.

DEPARTMENT OF HOMELAND SECURITY

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
68	Ammonium Nitrate Security Program	1601–AA52	Final Rule Stage.
69	Asylum and Withholding Definitions	1615–AA41	Proposed Rule Stage.
70	New Classification for Victims of Criminal Activity; Eligibility for the U Nonimmigrant Status.	1615–AA67	Proposed Rule Stage.
71	Exception to the Persecution Bar for Asylum, Refugee, and Temporary Protected Status, and Withholding of Removal.	1615–AB89	Proposed Rule Stage.
72	Administrative Appeals Office: Procedural Reforms to Improve Efficiency	1615–AB98	Proposed Rule Stage.
73	Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for T Nonimmigrant Status.	1615–AA59	Final Rule Stage.
74	Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands.	1615–AB77	Final Rule Stage.
75	Special Immigrant Juvenile Petitions	1615–AB81	Final Rule Stage.
76	Employment Authorization for Certain H–4 Dependent Spouses	1615–AB92	Final Rule Stage.
77	Enhancing Opportunities for H–1B1, CW–1, and E–3 Nonimmigrants and EB–1 Immigrants.	1615–AC00	Final Rule Stage.
78	Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System.	1625–AA99	Final Rule Stage.
79	Inspection of Towing Vessels	1625–AB06	Final Rule Stage.
80	Transportation Worker Identification Credential (TWIC); Card Reader Requirements.	1625–AB21	Final Rule Stage.
81	Amendments to Importer Security Filing and Additional Carrier Requirements	1651–AA98	Proposed Rule Stage.
82	Air Cargo Advance Screening (ACAS)	1651–AB04	Proposed Rule Stage.
83	Changes to the Visa Waiver Program To Implement the Electronic System for Travel Authorization (ESTA) Program.	1651–AA72	Final Rule Stage.
84	Implementation of the Guam-CNMI Visa Waiver Program	1651–AA77	Final Rule Stage.
85	Definition of Form I–94 to Include Electronic Format	1651–AA96	Final Rule Stage.
86	Security Training for Surface Mode Employees	1652–AA55	Proposed Rule Stage.
87	Standardized Vetting, Adjudication, and Redress Services	1652–AA61	Proposed Rule Stage.
88	Passenger Screening Using Advanced Imaging Technology	1652–AA67	Final Rule Stage.
89	Adjustments to Limitations on Designated School Official Assignment and Study By F–2 and M–2 Nonimmigrants.	1653–AA63	Final Rule Stage.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
90	Economic Opportunities for Low- and Very Low-Income Persons (FR–4893)	2529–AA91	Proposed Rule Stage.

DEPARTMENT OF JUSTICE

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
91	Implementation of the ADA Amendments Act of 2008 (Section 504 of the Rehabilitation Act of 1973).	1190–AA60	Proposed Rule Stage.
92	Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of Public Accommodations.	1190–AA61	Proposed Rule Stage.
93	Nondiscrimination on the Basis of Disability; Movie Captioning and Audio Description.	1190–AA63	Proposed Rule Stage.
94	Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Governments.	1190–AA65	Proposed Rule Stage.
95	Implementation of the ADA Amendments Act of 2008 (Title II and Title III of the ADA).	1190–AA59	Final Rule Stage.

DEPARTMENT OF LABOR

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
96	Workforce Innovation and Opportunity Act	1205–AB73	Proposed Rule Stage.
97	Respirable Crystalline Silica	1219–AB36	Proposed Rule Stage.
98	Criteria and Procedures for Proposed Assessment of Civil Penalties	1219–AB72	Proposed Rule Stage.
99	Proximity Detection Systems for Mobile Machines in Underground Mines	1219–AB78	Proposed Rule Stage.
100	Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines.	1219–AB65	Final Rule Stage.
101	Infectious Diseases	1218–AC46	Prerule Stage.
102	Occupational Exposure to Crystalline Silica	1218–AB70	Proposed Rule Stage.

DEPARTMENT OF LABOR—Continued

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
103	Improve Tracking of Workplace Injuries and Illnesses	1218–AC49	Final Rule Stage.

DEPARTMENT OF TRANSPORTATION

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
104	Operation and Certification of Small Unmanned Aircraft Systems (sUAS)	2120–AJ60	Proposed Rule Stage.
105	Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport.	2120–AJ89	Proposed Rule Stage.
106	Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120–AK09	Proposed Rule Stage.
107	Pilot Records Database (HR 5900)	2120–AK31	Proposed Rule Stage.
108	Safety Management Systems for Certificate Holders	2120–AJ86	Final Rule Stage.
109	National Goals and Performance Management Measures (MAP–21)	2125–AF53	Proposed Rule Stage.
110	National Goals and Performance Management Measures (MAP–21)	2125–AF54	Proposed Rule Stage.
111	Carrier Safety Fitness Determination	2126–AB11	Proposed Rule Stage.
112	Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21).	2126–AB20	Proposed Rule Stage.
113	Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)	2126–AB18	Final Rule Stage.
114	Fuel Efficiency Standards for Medium- and Heavy-Duty Vehicles and Work Trucks: Phase 2.	2127–AL52	Proposed Rule Stage.
115	Sound for Hybrid and Electric Vehicles	2127–AK93	Final Rule Stage.
116	Electronic Stability Control Systems for Heavy Vehicles (MAP–21)	2127–AK97	Final Rule Stage.
117	State Safety Oversight (MAP–21)	2132–AB19	Proposed Rule Stage.
118	Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines	2137–AE66	Proposed Rule Stage.
119	Pipeline Safety: Gas Transmission (RRR)	2137–AE72	Proposed Rule Stage.
120	Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains.	2137–AE91	Final Rule Stage.

DEPARTMENT OF VETERANS AFFAIRS

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
121	Expedited Senior Executive Removal Authority	2900–AP30	Final Rule Stage.

ENVIRONMENTAL PROTECTION AGENCY

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
122	Review of the National Ambient Air Quality Standards for Ozone	2060–AP38	Proposed Rule Stage.
123	Review of the National Ambient Air Quality Standards for Lead	2060–AQ44	Proposed Rule Stage.
124	Carbon Pollution Emission Guidelines for Existing Stationary Sources: EGUs in Indian Country and U.S. Territories.	2060–AR33	Proposed Rule Stage.
125	Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2.	2060–AS16	Proposed Rule Stage.
126	Renewable Fuel 2015 Volume Standards	2060–AS22	Proposed Rule Stage.
127	Pesticides; Certification of Pesticide Applicators	2070–AJ20	Proposed Rule Stage.
128	Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations	2070–AJ38	Proposed Rule Stage.
129	Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings.	2070–AJ56	Proposed Rule Stage.
130	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements.	2050–AE87	Proposed Rule Stage.
131	User Fee Schedule for Electronic Hazardous Waste Manifest	2050–AG80	Proposed Rule Stage.
132	Modernization of the Accidental Release Prevention Regulations Under Clean Air Act.	2050–AG82	Proposed Rule Stage.
133	Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards.	2060–AQ75	Final Rule Stage.
134	Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units.	2060–AQ91	Final Rule Stage.
135	Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements.	2060–AR34	Final Rule Stage.
136	Carbon Pollution Standards for Modified and Reconstructed Stationary Sources: Electric Utility Generating Units.	2060–AR88	Final Rule Stage.
137	Pesticides; Agricultural Worker Protection Standard Revisions	2070–AJ22	Final Rule Stage.
138	Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards for Composite Wood Products.	2070–AJ44	Final Rule Stage.

ENVIRONMENTAL PROTECTION AGENCY—Continued

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
139	Formaldehyde Emissions Standards for Composite Wood Products	2070–AJ92	Final Rule Stage.
140	Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers.	2050–AE81	Final Rule Stage.
141	Revising Underground Storage Tank Regulations—Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training.	2050–AG46	Final Rule Stage.
142	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category.	2040–AF14	Final Rule Stage.
143	Water Quality Standards Regulatory Revisions	2040–AF16	Final Rule Stage.
144	Definition of ''Waters of the United States'' Under the Clean Water Act	2040–AF30	Final Rule Stage.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
145	Federal Sector Equal Employment Opportunity Process	3046–AB00	Prerule Stage.
146	The Federal Sector's Obligation To Be a Model Employer of Individuals With Disabilities.	3046–AA94	Proposed Rule Stage.
147	Amendments to Regulations Under the Americans With Disabilities Act	3046–AB01	Proposed Rule Stage.
148	Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008.	3046–AB02	Proposed Rule Stage.

SOCIAL SECURITY ADMINISTRATION

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
149	Revised Medical Criteria for Evaluating Digestive Disorders (3441P)	0960–AG65	Proposed Rule Stage.
150	Revisions to Representative Code of Conduct (3835P)	0960–AH63	Proposed Rule Stage.
151	Revised Medical Criteria for Evaluating Neurological Impairments (806F)	0960–AF35	Final Rule Stage.
152	Revised Medical Criteria for Evaluating Hematological Disorders (974F)	0960–AF88	Final Rule Stage.
153	Revised Medical Criteria for Evaluating Growth Disorders and Weight Loss in Children (3163F).	0960–AG28	Final Rule Stage.
154	Use of Date of Written Statement as Filing Date (3431F)	0960–AG58	Final Rule Stage.
155	Revised Medical Criteria for Evaluating Immune (HIV) System Disorders (3466F)	0960–AG71	Final Rule Stage.
156	Revised Medical Criteria for Evaluating Cancer (Malignant Neoplastic Diseases) (3757F).	0960–AH43	Final Rule Stage.
157	Submission of Evidence in Disability Claims (3802F)	0960–AH53	Final Rule Stage.
158	Social Security Number Card Applications (3855I)	0960–AH68	Final Rule Stage.

NUCLEAR REGULATORY COMMISSION

Sequence No.	Title	Regulation identifier No.	Rulemaking stage
159	Revision of Fee Schedules: Fee Recovery for FY 2015 [NRC–2014–0200]	3150–AJ44	Proposed Rule Stage.

BILLING CODE 6820–27–P

DEPARTMENT OF AGRICULTURE (USDA)

Statement of Regulatory Priorities

In FY 2015, USDA will focus on a number of high-priority regulations necessary to implement the Agricultural Act of 2014 (Farm Bill). This legislation, which was signed into law on February 7, 2014, provides authorization for services and programs that impact every American and millions of people around the world. The new Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. The new Farm Bill will allow USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. It will enable USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the biobased economy. It will provide a dependable safety net for America's farmers, ranchers and growers. It will maintain important agricultural research and ensure access to safe and nutritious food for all Americans. USDA's regulatory efforts in the coming year will modify existing regulations and introduce new regulatory actions necessary to implement the 2014 Farm Bill and to achieve the following goals identified in the Department's Strategic Plan for 2010–2015:

• *Assist rural communities to create prosperity so they are self-sustaining, repopulating, and economically thriving.* USDA is the leading advocate for rural America. The Department supports rural communities and enhances quality of life for rural residents by improving

their economic opportunities, community infrastructure, environmental health, and the sustainability of agricultural production. The common goal is to help create thriving rural communities with good jobs where people want to live and raise families where children have economic opportunities and a bright future.

• *Ensure our national forests and private working lands are conserved, restored, and made more resilient to climate change, while enhancing our water resources.* America's prosperity is inextricably linked to the health of our lands and natural resources. Forests, farms, ranches, and grasslands offer enormous environmental benefits as a source of clean air, clean and abundant water, and wildlife habitat. These lands generate economic value by supporting the vital agriculture and forestry sectors, attracting tourism and recreational visitors, sustaining green jobs, and producing ecosystem services, food, fiber, timber and non-timber products. They are also of immense social importance, enhancing rural quality of life, sustaining scenic and culturally important landscapes, and providing opportunities to engage in outdoor activity and reconnect with the land.

• *Help America promote agricultural production and biotechnology exports as America works to increase food security.* A productive agricultural sector is critical to increasing global food security. For many crops, a substantial portion of domestic production is bound for overseas markets. USDA helps American farmers and ranchers use efficient and sustainable production, biotechnology, and other emergent technologies to enhance food security around the world and find export markets for their products.

• *Ensure that all of America's children have access to safe, nutritious, and balanced meals.* A plentiful supply of safe and nutritious food is essential to the well-being of every family and the healthy development of every child in America. USDA provides nutrition assistance to children and low-income people who need it and works to improve the healthy eating habits of all Americans, especially children. In addition, the Department safeguards the quality and wholesomeness of meat, poultry, and processed egg products, and it addresses and prevents loss or damage from pests and disease outbreaks.

Important regulatory activities supporting the accomplishment of these goals in 2015 will include the following:

• *Strengthening Food Safety Inspection.* USDA will continue to develop science-based regulations that improve the safety of meat, poultry, and processed egg products in the least burdensome and most cost-effective manner. Existing regulations will be revised to address emerging food safety challenges, streamlined to remove excessively prescriptive requirements, and updated to be made consistent with Hazard Analysis and Critical Control Point principles. Among other actions, USDA will amend regulations so that information presented on food packaging is useful in assisting consumers with purchasing and preparation decisions. The agency will also use technology to streamline and improve the integrity of export certificates. To help small businesses comply with food safety regulatory requirements, FSIS will continue its collaboration with other USDA and State partners in its small business outreach program.

Improving Access to Nutrition Assistance and Dietary Behaviors. As changes are made to the nutrition assistance programs, USDA will work to ensure access to program benefits, strengthen program integrity, improve diets and healthy eating, and promote physical activity consistent with the national effort to reduce obesity. In support of these activities in 2014, the Food and Nutrition Service (FNS) plans to publish a proposed rule updating meal pattern revisions for the Child and Adult Care Food Program, as well as a proposal to enhance the eligibility standards for SNAP retailers to increase access to more healthful foods. FNS will continue to work to implement rules that minimize participant and vendor fraud in its nutrition assistance programs.

• *Collaborating with Producers to Conserve Natural Resources.* The Natural Resources Conservation Service (NRCS) is amending the Conservation Stewardship Program (CSP) and Environmental Quality Incentives Program (EQIP) regulations to incorporate programmatic changes as authorized by the Farm Bill. CSP promotes consultation at the local level to identify priority resource concerns in geographic areas within a State. CSP encourages producers to address environmental concerns while improving and conserving the quality and condition of natural resources in a comprehensive manner. EQIP provides assistance to landowners to address natural resource issues that impact soil, water and related natural resources, including grazing lands, wetlands, and wildlife habitat. The Farm Bill folded the former Wildlife Habitat Incentives Program (WHIP) into EQIP.

• *Promoting Innovation through Partnerships.* NRCS has a long history of providing science-based, technically sound, and proven conservation practices, advice, and alternatives to America's farmers and ranchers. Traditionally, NRCS has worked with USDA agencies, universities, and other nongovernmental organizations to identify and refine new cutting-edge technology through on-farm trials and research. Using this approach, NRCS continually reviews and revises conservation practices based on new research or changes in technology.

Through the Conservation Innovation Grants (CIG) component of EQIP, NRCS involves additional partners in identifying and demonstrating new approaches for possible NRCS adoption. CIG's purpose is to stimulate the adoption of innovative conservation approaches and technologies in agricultural production and leverage additional investments in conservation. Partners assist NRCS with meeting the CIG goals of identifying new conservation technologies and practices, conducting demonstrations and field tests, and integrating widely applicable technologies and practices into NRCS' toolkit of practices and activities to help agricultural producers better address natural resource concerns. NRCS is updating the CIG section of the EQIP regulation to be consistent with Farm Bill amendments.

• *Protecting Productive Agricultural Lands and Wetlands.* The Farm Bill combined several NRCS easement programs, including the Wetlands Reserve Program (WRP), the Farm and Ranch Lands Protection Program (FRPP), and the Grassland Reserve Program (GRP) into the new Agricultural Conservation Easement Program (ACEP). ACEP will require its own regulation to replace those of the repealed WRP, FRPP, and GRP programs. ACEP will have two components: an agricultural land easement component under which NRCS assists eligible entities to protect agricultural land by limiting non-agricultural land uses and a wetland reserve easement component under which NRCS provides technical and financial assistance directly to landowners to restore, protect and enhance wetlands through the purchase of wetlands reserve easements. NRCS will maintain the existing easements and contracts formed under the previous programs; however, they will all be considered part of ACEP enrollment.

• *Addressing Conservation Concerns on a Regional Level.* The Farm Bill established the Regional Conservation

Partnership Program (RCPP) to promote the implementation of conservation activities through providing support for agreements between producers and partner groups. Producers receive technical and financial assistance through RCPP while NRCS and its partners help producers install and maintain conservation activities. These projects may focus on water quality and quantity, soil erosion, wildlife habitat, drought mitigation, flood control, and other regional priorities. Partners include producer associations, State or local governments, Indian tribes, non-governmental organizations, and institutions of higher education. RCPP projects affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multistate level. The Farm Bill combined several regional conservation initiatives into this program. RCPP is implemented through an announcement of program funding through Grants.gov; however, NRCS is publishing updates in the CSP, EQIP and ACEP regulations to indicate that these are covered programs through which RCPP can operate.

• *Establish Framework for Managing our Nation's Forests and Grasslands.* The Forest Service will publish proposed guidance for implementation of the 2012 Land Management Planning Rule. This guidance will provide the detailed monitoring, assessment, and documentation requirements that the managers of our national forests and grasslands require to begin revising their land management plans under the 2012 Planning Rule. Currently 70 of the 120 Forest Service's Land Management Plans are expired and in need of revision.

• *Making Marketing and Regulatory Programs More Focused.* The Animal and Plant Health Inspection Service (APHIS) plans to amend its veterinary biologics regulations to provide for the use of a simpler, uniform label format to better meet the needs of veterinary biologics consumers. APHIS also plans to revise tuberculosis and brucellosis regulations to better reflect the distribution of these diseases and thereby minimize the impacts on livestock producers while continuing to address these livestock diseases. In the area of plant health, APHIS proposes to expand the streamlined method of considering the importation and interstate movement of fruits and vegetables. The Agricultural Marketing Service (AMS) will support the organic sector by updating the National List of Allowed and Prohibited Substances as advised by the National Organic Standards Board, streamlining organic regulatory enforcement actions, developing organic pet food standards, and proposing that all existing and replacement dairy animals from which milk or milk products are intended to be sold as organic must be managed organically from the last third of gestation.

• *Promoting Biobased Products.* USDA will continue to promote sustainable economic opportunities to create jobs in rural communities through the purchase and use of biobased products through the BioPreferred® program. USDA will finalize regulations to revise the BioPreferred® program guidelines to continue adding designated product categories to the preferred procurement program, including intermediates and feedstocks and finished products made of intermediates and feedstocks. The Federal preferred procurement and the certified label parts of the program are voluntary; both are designed to assist biobased businesses in securing additional sales.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review (Jan. 18, 2011), the following initiatives are identified in the Department's Final Plan for Retrospective Analysis. The final agency plans, as well as periodic status updates for each initiative, are available online at *http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system*.

RIN	Title	Significantly reduce burdens on small businesses
0583–AC59	Prior Labeling Approval System: Generic Label Approval	Yes.
0583–AD41	Electronic Export Application and Certification Fee	Yes.
0583–AD32	Modernization of Poultry Slaughter Inspection	Yes.
0570–AA76	Rural Energy America Program	Yes.
0570–AA85	Business and Industry Loan Guaranteed Program	Yes.
0575–AC91	Community Facilities Loan and Grants	Yes.
0596–AD01	National Environmental Policy Act (NEPA) Efficiencies	Yes.

Subsequent to EO 13563 and consistent with its goals as well as the importance of public participation, President Obama issued Executive Order 13610 on Identifying and Reducing Regulatory Burdens in May 2012. Executive Order 13610 directs agencies, in part, to give priority consideration to those initiatives that will produce cost savings or significant reductions in paperwork burdens. Accordingly, reducing the regulatory burden on the American people and our trading partners is a priority for USDA, and we will continually work to improve the effectiveness of our existing regulations. As a result of our ongoing regulatory review and burden reduction efforts, USDA has identified the following burden-reducing initiatives:

• *Increase Use of Generic Approval and Regulations Consolidation.* FSIS is finalizing a rule that will expand the circumstances in which the labels of meat and poultry products will be deemed to be generically approved by FSIS. The rule will reduce regulatory burdens and generate a discounted Agency cost savings of $3.3 million over 10 years (discounted at 7 percent).

• *Implement Electronic Export Application for Meat and Poultry Products.* FSIS is finalizing a rule to provide exporters a fee-based option for transmitting U.S. certifications to foreign importers and governments electronically. Automating the export application and certification process will facilitate the export of U.S. meat, poultry, and egg products by streamlining the processes that are used while ensuring that foreign regulatory requirements are met.

• *Streamline Forest Service National Environmental Policy Act (NEPA) Compliance.* The Forest Service, in cooperation with the Council on Environmental Quality, is promulgating rulemaking to establish three new Categorical Exclusions for simple restoration activities. These Categorical Exclusions will improve and streamline the NEPA process and reduce the paperwork burden, as it applies to Forest Service projects without reducing environmental protection.

• *Increase Accessibility to the Rural Energy for America Program (REAP).* Under REAP, Rural Development provides guaranteed loans and grants to support the purchase, construction, or retrofitting of a renewable energy system. This rulemaking will streamline the application process for grants, lessening the burden on the applicant. The rulemaking is expected to reduce the information collection.

• *Reduced Duplication in Farm Programs.* The Farm and Foreign Agricultural Services (FFAS) mission area is reducing the paperwork burden on program participants by consolidating the information collections required to participate in farm programs administered by the Farm Service Agency (FSA) and the Federal crop insurance program administered by the Risk Management Agency (RMA). As a result, producers will be able to spend less time reporting information to USDA. Additionally, FSA and RMA will be better able to share information, thus improving operational efficiency. FFAS is simplifying and standardizing, to the extent practical, acreage reporting processes, program dates, and data definitions across the various USDA programs and agencies. FFAS is making improvements to allow producers to use information from their farm-management and precision agriculture systems for reporting production, planted and harvested acreage, and other key information needed to participate in USDA programs. FFAS is also streamlining the collection of producer information by FSA and RMA with the agricultural production information collected by the National Agricultural Statistics Service. These process changes allow for program data that is common across agencies to be collected once and utilized or redistributed to agency programs in which the producer chooses to participate. FFAS will conduct a pilot project in spring 2015 to test the ability of FSA county offices to receive electronic acreage reports through a third-party service provider; the pilot will add additional States following the 2014 small ''proof-of-concept'' in Illinois.

Periodic status updates for these burden-reducing initiatives can be found online at: *http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system*.

In addition to regulatory review initiatives identified under Executive Order 13563 and the paper work burden reduction initiatives identified under the Executive Order 13610, USDA has plans to initiate the following additional streamlining initiatives in 2015.

• *Simplify FSA NEPA Compliance.* FSA proposed revisions to its regulations that implement NEPA to update, improve, and clarify requirements. It also proposed new categorical exclusions and removing obsolete provisions. FSA will revise the regulations with any additional improvements being made based on public comments to the proposed rule. Annual cost savings to FSA as a result of this rule could be $345,000 from conducting 314 fewer environmental assessments per year, while retaining strong environmental protection.

• *Simplify Equipment Contracts for Rural Utilities Service (RUS) Loans.* RUS is proposing a rule that would result in a new standard Equipment Contract Form for use by Telecommunications Program borrowers. This new standardized contract would ensure that certain standards and specifications are met, and this new form would replace the current process that requires all construction providers to use their own resources to develop a contract for each project.

• *Consolidate Community Facilities Programs Loan and Grant Requirements.* The Rural Housing Service (RHS) is proposing to consolidate seven of the regulations used to service Community Facilities direct loans and grants into one streamlined regulation. This rule will reduce the time burden on RHS staff and provide the public with a single document that clearly outlines the requirements for servicing Community Facilities direct loans and grants.

• *Update Tuberculosis and Brucellosis Programs.* Given the success USDA has had in nearly eradicating tuberculosis and brucellosis in ruminants, APHIS will propose rulemaking to update and consolidate its regulations regarding these diseases to better reflect the current distribution of these diseases and the changes in which cattle, bison, and captive cervid are produced in the United States.

Promoting International Regulatory Cooperation Under Executive Order 13609:

President Obama issued Executive Order 13609 on promoting international regulatory cooperation in May 2012. The Executive order charges the Regulatory Working Group, an interagency working group chaired by the Administrator of Office of Information and Regulatory Affairs (OIRA), with examining appropriate strategies and best practices for international regulatory cooperation. The Executive order also directs agencies to identify factors that should be taken into account in evaluating the effectiveness of regulatory approaches used by trading partners with whom the U.S. is engaged in regulatory cooperation. At this time, USDA is identifying international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations, while working closely with the Administration to refine the guidelines implementing the Executive order. Apart from international regulatory cooperation, the Department has continued to identify regulations with international impacts, as it has done in the past. Such regulations are those that are expected to have international trade and investment effects or otherwise may be of interest to our international trading partners.

USDA is diligently working to carry out the President's Executive order mandate with regard to regulatory cooperation as new regulations are developed. Several agencies within the Department are also actively engaged in interagency and Departmental regulatory cooperation initiatives being pursued as part of the U.S.-Mexico High Level Regulatory Cooperation Council (HLRCC) and the U.S.-Canada Regulatory Cooperation Council (RCC), as well as other fora. Specific projects are being pursued by USDA agencies such as AMS, APHIS, and FSIS and address a variety of regulatory oversight processes and requirements related to meat, poultry, and animal and plant health. Projects related to electronic certification, equivalence, meat nomenclature, and the efficient and safe flow of plants, animals and food across our shared borders are all regulatory cooperation pursuits these agencies are undertaking in order to secure better alignment among our countries without compromising the high standards of safety we have in place in the U.S. relative to food safety and public health, as well as plant and animal health, that are so critical to American agriculture.

Major Regulatory Priorities

This following represents summary information on prospective priority regulations as called for in Executive Orders 12866 and 13563:

Food and Nutrition Service

Mission: FNS works to end hunger and obesity through the administration of federal nutrition assistance programs including WIC, Supplemental Nutrition Assistance Program (SNAP), and school meals.

Priorities: In addition to responding to provisions of legislation authorizing and modifying Federal nutrition assistance programs, FNS's 2015 regulatory plan supports USDA's Strategic Goal to ''ensure that all of America's children have access to safe, nutritious and balanced meals'' and its related objectives:

• *Increase Access to Nutritious Food.* This objective represents FNS's efforts to improve nutrition by providing access to program benefits (food consumed at home, school meals, commodities) and distributing State administrative funds to support program operations. To advance this objective, FNS plans to publish a final rule implementing the Healthy, Hunger-Free Kids Act of 2010's Community Eligibility Provision, which eliminates the burden of household applications and increases access to free school lunches and breakfasts for children in eligible high-poverty schools. FNS will also publish a proposed rule to codify procedures for providing temporary SNAP benefits during emergencies for victims of disasters.

• *Improve Program Integrity.* FNS also plans to publish a number of rules to increase efficiency, reduce the burden of program operations, and further reduce improper payments. Program integrity provisions will continue to be strengthened in the SNAP and Child Nutrition programs to ensure Federal taxpayer dollars are spent effectively. To support this objective, FNS plans to publish a final rule from the 2008 Farm Bill that increases the penalty for SNAP authorized stores that are involved in the trafficking of Program benefits. Additionally, FNS plans to publish a proposed rule to establish consistent, outcome-focused performance measures for the SNAP Employment and Training Program. For Child Nutrition, FNS plans to publish a proposed rule to strengthen oversight requirements and institution disqualification procedures, allow the imposition of fines by USDA or State agencies for egregious and/or repeated program violations, and address several deficiencies identified through program audits and reviews.

• *Promote Healthy Diet and Physical Activity Behaviors.* This objective represents FNS's efforts to ensure that program benefits meet appropriate standards to effectively improve nutrition for program participants, to improve the diets of its clients through nutrition education, and to support the national effort to reduce obesity by promoting healthy eating and physical activity. To implement provisions included in the Healthy Hunger Free Kids Act of 2010. FNS plans to publish a proposed rule that updates the meal patterns for the Child and Adult Care Food Program to align them with the latest Dietary Guidelines for Americans and final rules that establish professional standards for school food service and State child nutrition program directors, require schools to develop local wellness policies that promote the health of students and address the growing problem of childhood obesity. Additionally, FNS plans to publish a proposed rule to implement the 2014 Farm Bill governing the eligibility of retail food stores participating in SNAP that will improve SNAP participants' access to healthy food options.

Food Safety and Inspection Service

Mission: FSIS is responsible for ensuring that meat, poultry, and processed egg products in interstate and foreign commerce are wholesome, not adulterated, and are properly marked, labeled, and packaged.

Priorities: FSIS is committed to developing and issuing science-based regulations intended to ensure that meat, poultry, and processed egg products are wholesome and not adulterated or misbranded. FSIS regulatory actions support the objective to protect public health by ensuring that food is safe under USDA's goal to ensure access to safe food. To reduce the number of foodborne illnesses and increase program efficiencies, FSIS will continue to review its existing authorities and regulations to ensure that it can address emerging food safety challenges, to streamline excessively prescriptive regulations, and to revise or remove regulations that are inconsistent with the FSIS's Hazard Analysis and Critical Control Point (HACCP) regulations. FSIS is also working with the Food and Drug Administration (FDA) to improve coordination and increase the effectiveness of inspection activities. FSIS's priority initiatives are as follows:

• *Implement Inspection of Certain Fish, Including Catfish and Catfish Products.* FSIS plans to issue a final rule to implement a new inspection system for all fish of the order Siluriformes, as required by the 2014 Farm Bill. The rule will define inspection requirements for this type of fish and will take into account the conditions under which the fish is raised and transported to a processing establishment.

• *Streamline Export Application Processes through the Public Health Information System (PHIS).* To support its food safety inspection activities, FSIS is continuing to implement PHIS, a user-friendly and Web-based system that automates many of the Agency's business processes. PHIS also enables greater exchange of information between FSIS and other Federal agencies, such as U.S. Customs and Border Protection, which is involved alongside FSIS in tracking cross-border movement of import and export shipments of meat, poultry, and processed egg products. To facilitate the implementation of some PHIS components, FSIS is finalizing regulations to provide for electronic export application and certification processes.

• *Update Nutrition Facts Panels for Meat and Poultry Products.* FSIS will propose to amend its regulations so that the nutrition labeling requirements for meat and poultry products reflect recent scientific research and dietary recommendations and to improve the presentation of nutrition information to assist consumers in maintaining healthy dietary practices. These revisions will be consistent with the recent changes that the Food and Drug Administration proposed for conventional foods and will ensure that there is consistency in how nutrition information is presented across the food supply.

• *Ensure Accurate Labeling of Mechanically Tenderized Beef.* FSIS has concluded that without proper labeling, raw or partially cooked mechanically tenderized beef products could be mistakenly perceived by consumers to be whole, intact muscle cuts. The fact that a cut of beef has been needle or blade-tenderized is a characterizing feature of the product and, as such, is a material fact likely to affect consumers' purchase decisions and should affect their preparation of the product. FSIS has also concluded that the addition of validated cooking instruction is required to ensure that potential pathogens throughout the product are destroyed. Without thorough cooking, pathogens that may have been introduced to the interior of the product during the tenderization process may remain in the product. The Agency will finalize regulations requiring that raw, mechanically tenderized (needle or blade) beef products be labeled to indicate that they are ''mechanically tenderized.''

• *Improve the Efficiency of Product Recalls.* FSIS is developing a final rule that will amend recordkeeping regulations to specify that all official establishments and retail stores that grind or chop raw beef products for sale in commerce must keep records that disclose the identity of the supplier of all source materials that they use in the preparation of each lot of raw ground or chopped product and identify the names of those source materials. FSIS

investigators and public health officials frequently use records kept by all levels of the food distribution chain, including the retail level, to identify and trace back product that is the source of the illness to the suppliers that produced the source material for the product. Access to this information will improve FSIS's ability to conduct timely and effective consumer foodborne illness investigations and other public health activities throughout the stream of commerce.

• *Improve Compliance with the Humane Methods of Slaughter Act.* FSIS has concluded that prohibiting the slaughter of all non-ambulatory disabled veal calves will improve compliance with the Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 *et seq.*) and will also improve the Agency's inspection efficiency by eliminating the time that FSIS inspection program personnel spend re-inspecting non-ambulatory disabled veal calves. FSIS plans to propose to amend its regulations on ante-mortem inspection to remove a provision that permits establishments to set apart and hold for treatment veal calves that are unable to rise from a recumbent position and walk because they are tired or cold (9 CFR 309.13(b)). Under the proposed rule, non-ambulatory disabled veal calves that are offered for slaughter will be condemned and promptly euthanized.

• *FSIS Small Business Implications.* The great majority of businesses regulated by FSIS are small businesses. FSIS conducts a small business outreach program that provides critical training, access to food safety experts, and information resources, such as compliance guidance and questions and answers on various topics, in forms that are uniform, easily comprehended, and consistent. FSIS collaborates in this effort with other USDA agencies and cooperating State partners. For example, FSIS makes plant owners and operators aware of loan programs available through USDA's Rural Business and Cooperative programs to help them in upgrading their facilities. FSIS employees will meet with small and very small plant operators to learn more about their specific needs and explore how FSIS can tailor regulations to better meet the needs of small and very small establishments, while maintaining the highest level of food safety.

Animal and Plant Health Inspection Service

Mission: A major part of the mission of APHIS is to protect the health and value of American agricultural and natural resources. APHIS conducts programs to prevent the introduction of exotic pests and diseases into the United States and conducts surveillance, monitoring, control, and eradication programs for pests and diseases in this country. These activities enhance agricultural productivity and competitiveness and contribute to the national economy and the public health. APHIS also conducts programs to ensure the humane handling, care, treatment, and transportation of animals under the Animal Welfare Act.

Priorities: APHIS continues to pursue initiatives to update its regulations to make them more flexible and performance-based. For example, in the area of animal health, APHIS is preparing a final rule to amend its veterinary biologics regulations to provide for the use of a simpler, uniform label format that would allow biologics licensees and permittees to more clearly communicate product performance information to the end user. In addition, the rule would simplify the evaluation of efficacy studies and reduce the amount of time required by APHIS to evaluate study data, thus allowing manufacturers to market their products sooner. APHIS has also prepared a proposed rule that would revise and consolidate its regulations regarding bovine tuberculosis and brucellosis to better reflect the distribution of these diseases and the current nature of cattle, bison, and captive cervid production in the United States. In the area of plant health, APHIS has prepared a proposed rule that would establish performance standards and a notice-based process for approving the interstate movement of fruits and vegetables from Hawaii and the U.S. Territories and the importation of those articles from other countries. In addition, APHIS will revise agricultural quarantine and inspection user fees so that fees collected are commensurate with the cost of providing the activity.

Agricultural Marketing Service

Mission: AMS's mission is to facilitate the competitive and efficient marketing of agricultural products. AMS provides marketing services to producers, manufacturers, distributors, importers, exporters, and consumers of food products. AMS also manages the government's food purchases, supervises food quality grading, maintains food quality standards, supervises the Federal research and promotion programs, and oversees the country of origin labeling program as well as the National Organic Program (NOP).

Priorities: AMS intends to support the government's initiative to streamline regulatory actions by establishing a process to communicate fees for our voluntary user fee programs annually through publication of a **Federal Register** notice. AMS is also committed to ensuring the integrity of USDA organic products in the U.S. and throughout the world. In addition to its ongoing work to develop organic pet food, apiculture, and aquaculture standards, the Agency is moving forward with the following priority rulemakings that affect the organic industry:

• *Research and Promotion Programs Organic Exemption.* USDA intends to implement the 2014 Farm Bill provision to expand the organic exemption for research and promotion program assessments. This action would exempt organic operations with ''100 percent organic'' and ''organic'' products, including certain split operations, from paying research and promotion program assessments.

• *Transitioning Dairy Animals into Organic Production.* Members of the organic community, including dairy producers, organic interest groups, and the National Organic Standards Board have advocated for rulemaking on the allowance for transitioning dairy animals into organic production. Stakeholders have interpreted the current standard differently, creating inconsistencies across dairy producers. AMS has submitted a proposed rule for clearance on this issue. This proposed change to the organic standards is intended to level the playing field for organic dairy producers.

Farm Service Agency

Mission: FSA's mission is to deliver timely, effective programs and services to America's farmers and ranchers to support them in sustaining our Nation's vibrant agricultural economy, as well as to provide first-rate support for domestic and international food aid efforts. FSA has successfully expedited the implementation of several major regulatory priorities resulting from the 2014 Farm Bill, including new programs such as the Agriculture Risk Coverage Program, Price Loss Coverage Program, Margin Protection Program for Dairy, Dairy Product Donation Program, Cotton Transition Assistance Program, and improvements to existing programs such as disaster assistance programs, entity eligibility for Farm Loan Programs, and Microloans. FSA supports USDA's strategic goals by stabilizing farm income, providing credit to new or existing farmers and ranchers who are temporarily unable to obtain credit from commercial sources, and helping farm operations recover from the effects of disaster. FSA administers several conservation programs directed toward

agricultural producers. The largest program is the Conservation Reserve Program, which protects up to 32 million acres of environmentally sensitive land.

Priorities: FSA is focused on continuing to implement the 2014 Farm Bill while providing the best possible service to producers while protecting the environment by updating and streamlining environmental compliance. FSA's priority initiatives are as follows:

• *Noninsured Crop Disaster Assistance Program (NAP).* FSA will revise its NAP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes include enhanced protection under NAP, which is also known as NAP buy-up to allow producers to buy additional NAP coverage for an additional premium; revised NAP eligibility requirements for coverage on tilled native sod; added coverage for sweet sorghum and biomass sorghum; service fee waivers for beginning and socially disadvantaged farmers.

• *Conservation Compliance.* FSA, working in coordination with NRCS and RMA, will revise the USDA conservation compliance regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes linking eligibility for any premium subsidy paid by FCIC on a policy or plan of federally reinsured crop insurance to be in compliance with Highly Erodible Land Conservation and Wetlands Conservation provisions. Since enactment of the 1985 Farm Bill, eligibility for most commodity, disaster, and conservation programs has been linked to compliance with the Highly Erodible Land Conservation and Wetland Conservation provisions. The 2014 Farm Bill continues the requirement that producers adhere to conservation compliance guidelines to be eligible for most programs administered by FSA and NRCS.

• *Marketing Assistance Loans (MAL) and Loan Deficiency Payments (LDP).* FSA will revise its MAL and LDP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes reauthorize MAL and LDP for all eligible commodities including cotton, honey, and sugar loans, for the 2014 through 2018 crop years. The MAL and LDP Programs allow producers to receive short-term loans against their crops so that producers can market their crops at a time that is convenient for them, rather than being forced to sell immediately after harvest to pay the bills. The MAL and LDP programs are continued with no changes to the loan rates except for cotton, and there are no other changes to the basic structure of the programs. The changes extend the program years and add clarity to the regulations. MALs, LDPs and sugar loans are Commodity Credit Corporation (CCC) programs administered by the Farm Service Agency (FSA).

• *Farm Loan Programs (FLP) changes.* FSA will revise its FLP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes include expanding lending opportunities for thousands of farmers and ranchers to begin and continue operations, including greater flexibility in determining eligibility, raising loan limits, and emphasizing beginning and socially disadvantaged producers. Specific changes include: Eliminating loan term limits for guaranteed operating loans, modifying the definition of beginning farmers, allowing debt forgiveness on youth loans, increasing the guaranteed amount on conservation loans from 75 to 80 percent and 90 percent for beginning farmers and socially disadvantaged producers, changing the interest rate on Direct Farm Ownership loans that are made in conjunction with other lenders, and increasing the maximum loan amount for the down payment loan program from $225,000 to $300,000.

• *Biomass Crop Assistance Program (BCAP).* FSA will revise its BCAP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes include extending BCAP through 2018 and revising BCAP to add some new payment amounts and eligibility restrictions. Specific changes include: revising eligible materials to remove bagasse, add materials used for research material, and require that all woody biomass be harvested directly from the land and reducing the payment for collection, harvest, storage, and transportation matching payments to $20 per dry ton. BCAP provides financial assistance to producers who establish and harvest biomass crops and requires at least 10 percent of payments to be matching payments.

• *Conservation Reserve Program (CRP).* FSA will revise its CRP regulations to implement the 2014 Farm Bill changes. The 2014 Farm Bill changes include extending the authority to enroll acreage in CRP through September 30, 2018, and requiring enrollment to be no more than 24 million acres beginning October 1, 2016. There are 25.6 million acres enrolled in CRP, of which 2 million expired on September 30, 2014.

• *Streamline Environmental Compliance (NEPA).* FSA will revise its regulations that implement NEPA. The changes improve the efficiency, transparency, and consistency of NEPA implementation. Changes include aligning the regulations to NEPA regulations and guidance from the President's Council on Environmental Quality, providing a single set of regulations that reflect the Agency's current structure, clarifying the types of actions that require an Environmental Assessment (EA), and adding to the list of actions that are categorically excluded from further environmental review because they have no significant effect on the human environment. FSA will develop any additional changes resulting from public comments to the proposed rule.

Forest Service

Mission: FS's mission is to sustain the health, productivity, and diversity of the Nation's forests and rangelands to meet the needs of present and future generations. This includes protecting and managing National Forest System lands; providing technical and financial assistance to States, communities, and private forest landowners, plus developing and providing scientific and technical assistance; and the exchange of scientific information to support international forest and range conservation. FS regulatory priorities support the Department's goal to ensure our National forests are conserved, restored, and made more resilient to climate change, while enhancing our water resources.

Priorities: FS is committed to developing and issuing science-based regulations intended to ensure public participation in the management of our Nation's national forests and grasslands, while also moving forward the Agency's ability to plan and conduct restoration projects on National Forest System lands. FS will continue to review its existing authorities and regulations to ensure that it can address emerging challenges, to streamline excessively burdensome business practices, and to revise or remove regulations that are inconsistent with the USDA's vision for restoring the health and function of the lands it is charged with managing. FS's priority initiatives are as follows:

• *Implement Land Management Planning Framework.* The Forest Service promulgated a new Land Management Planning Rule at 36 CFR part 219 in April 2012 that sets out the requirements for developing, amending, and revising land management plans for units of the National Forest System. The planning directives, once finalized, will be used to implement the planning framework which fosters collaboration with the public during land management planning, is science-based and responsive to change and promotes

social, economic, and ecological sustainability.

• *Strengthen Ecological Restoration Policies.* This policy would recognize the adaptive capacity of ecosystems and includes the role of natural disturbances and uncertainty related to climate and other environmental change. The need for ecological restoration of National Forest System lands is widely recognized, and the Forest Service has conducted restoration-related activities across many programs for decades. ''Restoration'' is a common way of describing much of the Agency's work, and the concept is threaded throughout existing authorities, program directives, and collaborative efforts such as the National Fire Plan, a 10-Year comprehensive strategy and implementation plan, and the Healthy Forests Restoration Act. However, the Agency did not have a definition of ''restoration'' established in policy. The lack of a definition was identified as a barrier to collaborating with the public and partners to plan and accomplish restoration work.

Rural Development

Mission: Rural Development (RD) promotes a dynamic business environment in rural America that creates jobs, community infrastructure, and housing opportunities in partnership with the private sector and community-based organizations by providing financial assistance and business planning services and supporting projects that create or preserve quality jobs, advance energy efficiency and the bioeconomy, and strengthen local and regional food systems while focusing on the development of single- and multi-family housing and community infrastructure. RD financial resources are often leveraged with those of other public and private credit source lenders to meet business and credit needs in under-served areas. Recipients of these programs may include individuals, corporations, partnerships, cooperatives, public bodies, nonprofit corporations, Indian tribes, and private companies.

Priorities: RD regulatory priorities will facilitate sustainable renewable energy development and enhance the opportunities necessary for rural families to thrive economically. RD's rules will minimize program complexity and the related burden on the public while enhancing program delivery and Rural Business-Cooperative Service oversight.

• *Increase Accessibility to the Rural Energy for America Program (REAP).* Under REAP, Rural Development provides guaranteed loans and grants to support the purchase, construction, or retrofitting of a renewable energy system. This rulemaking will streamline the application process for grants, lessening the burden to the customer. The rulemaking is expected to reduce the information collection. REAP will also be revised to ensure a larger number of applicants will be made available through the issuing of smaller grants. As a result, funding will be distributed evenly across the applicant pool and encourage greater development of renewable energy.

• *Broadband Access Loans.* Increasing access to broadband service is a critical factor in improving the quality of life in rural America and in providing the foundation needed for creating jobs. The A 2014 Farm Bill revises program provisions particularly with regard to broadband speed and application priority. Revised regulations for the Broadband Access Loan Program are anticipated to be published in the **Federal Register** in the spring of 2015.

• *Modify review of Single Family Housing Direct Loans.* RD will publish the certified loan packager regulation to streamline oversight of the agency's vast network of committed Agency-certified packagers. This action will help low- and very low-income people become homeowners. It will also reduce the burden on program staff, enabling them to focus on implementation and delivery, and will ensure specialized support is available to them to complete the application for assistance, improving the quality of loan application packages.

Departmental Management

Mission: Departmental Management's mission is to provide management leadership to ensure that USDA administrative programs, policies, advice and counsel meet the needs of USDA programs, consistent with laws and mandates, and provide safe and efficient facilities and services to customers.

Priorities:

• *Promote Biobased Products:* In support of the Department's goal to increase prosperity in rural areas, USDA's Departmental Management plans to publish regulations to implement the requirement in the Agricultural Act of 2014 (Farm Bill) to establish eligibility criteria for forest and other traditional biobased products in the BioPreferred® program.

Aggregate Costs and Benefits

USDA will ensure that its regulations provide benefits that exceed costs, but are unable to provide an estimate of the aggregated impacts of its regulations. Problems with aggregation arise due to differing baselines, data gaps, and inconsistencies in methodology and the type of regulatory costs and benefits considered. Some benefits and costs associated with rules listed in the regulatory plan cannot currently be quantified as the rules are still being formulated. For 2015, USDA's focus will be to implement the changes to programs in such a way as to provide benefits while minimizing program complexity and regulatory burden for program participants.

USDA—Agricultural Marketing Service (AMS)

Proposed Rule Stage

1. National Organic Program, Origin of Livestock, NOP–11–0009

Priority: Other Significant.
Legal Authority: 7 U.S.C. 6501
CFR Citation: 7 CFR 205.
Legal Deadline: NPRM, Statutory, December 31, 2014.

The proposed action would eliminate the two-track system and require that upon transition, all existing and replacement dairy animals from which milk or milk products are intended to be sold, labeled, or represented as organic, must be managed organically from the last third of gestation.

Abstract: The current regulations provide two tracks for replacing dairy animals which are tied to how dairy farmers transition to organic production. Farmers who transition an entire distinct herd must thereafter replace dairy animals with livestock that has been under organic management from the last third of gestation. Farmers who do not transition an entire distinct herd may perpetually obtain replacement animals that have been managed organically for 12 months prior to marketing milk or milk products as organic. The proposed action would eliminate the two-track system and require that upon transition, all existing and replacement dairy animals from which milk or milk products are intended to be sold, labeled, or represented as organic must be managed organically from the last third of gestation.

Statement of Need: This action is being taken because of concerns raised by various parties, including the National Organic Standards Board (NOSB), about the dual tracks for dairy replacement animals. The proposed action would institute the same requirements across all producers.

Summary of Legal Basis: The National Organic Program regulations stipulate the requirements for dairy replacement animals in section 205.236(a)(2) Origin of Livestock. In addition, in response to the final ruling in the 2005 case, Harvey v. Johanns, the USDA committed to rulemaking to address the concerns about dairy replacement animals.

Alternatives: The program considered initiating the rulemaking with an ANPRM. It was determined that there is sufficient awareness of the expectations of the organic community to proceed with a proposed rule. As alternatives, we considered the status quo, however, this would continue the disparity between producers who can continually transition conventional dairy animals into organic production and producers who source dairy animals that are organic from the last third of gestation. We also considered an action that would restrict the source of breeder stock and movement of breeder stock after they are brought onto an organic operation; however, this would minimize the flexibility of producers to purchase breeder stock from any source as specified under the Organic Foods Production Act.

Anticipated Cost and Benefits:

Risks: Continuation of the two-track system jeopardizes the viability of the market for organic heifers. A potential risk associated with the rulemaking would be a temporary supply shortage of dairy replacement animals due to the increased demand.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

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RIN: 0581–AD08

USDA—AMS

2. National Organic Program, Organic Pet Food Standards

Priority: Other Significant.

Legal Authority: 7 U.S.C. 6501.

CFR Citation: 7 CFR 205.

Legal Deadline: NPRM, Statutory, April 30, 2015.

The National Organic Program (NOP) is establishing national standards governing the marketing of organically produced agricultural products.

Abstract: The National Organic Program (NOP) is establishing national standards governing the marketing of organically produced agricultural products. In 2004, the National Organic Standards Board (NOSB) initiated the development of organic pet food standards, which had not been incorporated into the NOP regulations, by forming a task force which included pet food manufacturers, organic consultants, etc. Collectively, these experts drafted organic pet food standards consistent with the Organic Foods Production Act of 1990, Food and Drug Administration requirements, and the Association of American Feed Control Officials (AAFCO) Model Regulations for Pet and Specialty Pet Food. The AAFCO regulations are scientifically based regulations for voluntary adoption by State jurisdictions to ensure the safety, quality, and effectiveness of feed. In November 2008, the NOSB approved a final recommendation for organic pet food standards incorporating the provisions drafted by the pet food task force.

Statement of Need: This action is necessary to ensure consistency in the composition and labeling of pet food products bearing organic claims. While the NOP has maintained that pet food may be certified in accordance with the existing USDA organic regulations, the requirements for processed products are intended for human foods and are not entirely applicable to pet food. The uncertainty about pet food composition and labeling requirements causes confusion in the marketplace with potentially negative impacts for the credibility of the organic label in general. This action responds to a 2008 recommendation of the National Organic Standards Board (NOSB) and industry requests for organic pet food standards.

Summary of Legal Basis: The Organic Foods Production Act of 1990 (OFPA) authorizes the Secretary of Agriculture to establish an organic certification program for producers and handlers of agricultural products that have been produced using organic methods (7 U.S.C. 6503(a)). The OFPA also authorizes the NOSB to provide recommendations to the Secretary regarding the implementation of the National Organic Program (7 U.S.C. 6518(k)(1)).

Alternatives: AMS has considered the implications of developing specific composition and labeling standards for organic pet food versus maintaining the status quo and not pursuing regulatory action. In addition, AMS is examining options regarding potential implementation periods. Finally, AMS considered the viability of composition requirements that vary from those recommended by the NOSB.

Anticipated Cost and Benefits: This proposed rule would facilitate the marketing of organic pet food by establishing clear, enforceable requirements for the composition and labeling of these products. This action will clarify how pet food may be produced, certified, and marketed as organic and the significance of organic claims on pet food. That standardization would provide certainty to pet food handlers and certifying agents for manufacturing and certifying pet foods, respectively, and bolster consumer confidence. AMS does not expect this action to result in significant costs for the $109 million organic pet food sector (2012 sales). This action may be an incentive for some handlers that are using organic claims on noncertified pet food products to pursue certification. AMS intends to solicit specific public comments to validate this expectation.

Risks: AMS does not anticipate risks to be associated with this action. The NOSB and industry participated in the development of organic pet food standards and have strongly encouraged their adoption since 2008. This action may provoke questions about the Agency's intent with regard to a separate 2013 NOSB recommendation that would, in effect, prohibit the use of certain amino acids in organic pet food. AMS is evaluating the impact of that action; however, that recent recommendation is not expected to affect this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	
Final Action	08/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: Federal, Local, Tribal.

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RIN: 0581–AD20

USDA—AMS

3. National Organic Program, Organic Apiculture Practices Standard, NOP–12–0063

Priority: Other Significant.

Legal Authority: 7 U.S.C. 6501.

CFR Citation: 7 CFR 205.

Legal Deadline: NPRM, Statutory, July 31, 2015.

This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production of organic apicultural (*i.e.* beekeeping) products.

Abstract: This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production of organic apicultural (*i.e.* beekeeping) products. Instead of continuing to allow certifying agents to certify apiculture to the organic livestock standards, this action would establish certification standards specifically for organic bees and bee products.

Statement of Need: This action is necessary to establish uniform standards for certification of organic apiculture operations. Currently, certifying agents adapt the organic livestock standards to certify organic apiaries. This action is necessary to distinguish apiculture as a unique production system that merits separate organic standards and would address practices that are not covered in the general organic livestock requirements. This action is needed to ensure consistency across certifying agents in the inspection and certification of apiculture operations.

Summary of Legal Basis: Bees are regarded as ''nonplant life'' under definitions in the current Organic Foods Production Act (OFPA) and implementing regulations. Based on these definitions, apicultural products (bees and bee products) may currently be certified under the livestock provisions of the USDA organic regulations (7 CFR part 205).

Alternatives: AMS is considering variations in the implementation period needed for any existing organic honey producers to comply with a new proposed forage zone requirement. The agency is also considering an alternative to align with Canadian and EU apiculture which require land within the forage zone to be ''organically managed,'' rather than certified as crop or wild crop.

Anticipated Cost and Benefits: Issuing standards for management of bees and bee products will benefit the industry by bringing greater consistency across certifiers. The introduction of formal standards will encourage new producers to enter the market and increase consumer confidence in apiculture products marketed under the USDA organic seal. In terms of costs, accredited certifying agents that currently certify apiculture operations as livestock would be required to request to extend the scope (current possible scopes of accreditation are crops, livestock, handling, and wild crop) of their accreditation to include apiculture. AMS is currently evaluating how the new rule would impact the costs to existing organic producers.

Risks: AMS does not expect controversy as a result of this action. One provision that AMS anticipates public comment on during rulemaking pertains to a 1.8 mile forage zone radius around bee hives. Under the proposed standard, this forage zone would need to be comprised of certified organic cropland and/or certified wild crop harvest area. This provision may limit new producers in some parts of the world from entering the market. However, there is widespread recognition of the proposed requirements among certified operations, as many certifiers have started using the 2010 NOSB recommendation as guidance for certification of apiculture operations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/15	
Final Action	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.

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RIN: 0581–AD31

USDA—AMS

4. • National Organic Program—Organic Aquaculture Standards

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: 7 U.S.C. 6501 to 6522

CFR Citation: 7 CFR 205.

Legal Deadline: NPRM, Statutory, February 28, 2015.

This action will establish standards for organic farmed aquatic animals and their products to allow U.S. producers to compete in the organic seafood market. The Organic Foods Production Act authorizes the NOP to regulate organic claims on fish used for food. The USDA organic regulations do not include organic aquaculture standards. This action will open the market for U.S. organic aquaculture production and ensure that organic aquatic animal products sold in the U.S. meet a consistent standard.

Abstract: This action proposes to establish standards for organic production and certification of farmed aquatic animals and their products in the USDA organic regulations. This action would also add aquatic animals as a scope of certification and accreditation under the National Organic Program. This action is necessary to establish standards for organic farmed aquatic animals and their products which would allow U.S. producers to compete in the organic seafood market. This action is also necessary to address multiple recommendations provided by USDA by the National Organic Standards Board (NOSB). In 2007 through 2009, the NOSB made five recommendations to establish standards for the certification of organic farmed aquatic animals and their products. Finally, the U.S. currently has organic standards equivalence arrangements with Canada and the European Union (EU). Both Canada and the EU have recently established standards for organic aquaculture products. Because the U.S. does not have organic aquaculture standards, the U.S. is unable to include aquaculture in the scope of these arrangements. Establishing U.S. organic aquaculture may provide a basis for expanding those trade partnerships.

Statement of Need: In 2005, The Secretary of Agriculture appointed an Aquaculture Working Group to advise the National Organic Standards Board (NOSB) on drafting a recommendation on the production of organic farmed aquatic animals. The NOSB considered the Aquaculture Working Group's draft recommendations and provided USDA with a series of five recommendations

from 2007–2009 for technical standards for the production and certification of organic farmed aquatic animals. Based on the NOSB recommendations, this action proposed to establish standards for organic production and certification of farmed aquatic animals and their products in the USDA organic regulations. This action would also add aquatic animals as an area of certification and accreditation under NOP.

Summary of Legal Basis: The Agricultural Marketing Service (AMS) National Organic Program (NOP) is authorized by the Organic Foods Production Act of 1990 (OFPA) to establish national standards governing the marketing of organically produced agricultural products (7 U.S.C. 6501–6522). The USDA organic regulations set the requirements for the organic certification of agricultural products (7 CFR Part 205). Participation under the NOP is voluntary. However, if organic producers or handlers choose to sell, represent, or label more than $5,000 in organic products, certification under the USDA organic regulations is required.

Alternatives: An alternative to providing organic aquatic animal standards would be to not publish such standards and allow aquatic animal products to continue to be sold as organic based on private standards or other countries standards. Organic seafood producers have expressed a strong interest in having USDA organic standards for fish and other aquatic animal products. U.S. aquaculture operations are generally hesitant to invest in organic aquaculture without published standards for organic aquatic animals and their products. Selecting such an alternative could result in failure for this sector of organic agriculture to develop in the United States.

Anticipated Cost and Benefits: The cost for existing conventional aquaculture operations to convert and participate in this voluntary marketing program will generally be incurred in the cost of changing management practices, increased feed costs, and obtaining organic certification. There will also be some costs to certifying agents who would need to add aquaculture to their areas of accreditation under the USDA organic regulations. These costs include application fees and expanded audits to ensure certifying agents meet the accreditation requirements needed for providing certification services to aquaculture operations. Certification of organic operations under the NOP is provided as a user-fee service by AMS-accredited private sector certifying agents and State agencies. AMS provides accreditation services to private and State agency certifiers on a cost-recovery, user-fee basis. AMS will not require additional appropriated funds to implement this program. By providing organic standards for organic aquatic animal products, producers will be able to sell certified organic aquatic animal products for up to 75–100 percent above the price of conventionally produced seafood. In addition, organic aquatic animal products imported into the U.S. from other countries will be required to meet a consistent, enforced standard. Organic consumers will be assured that organic aquatic animal products comply with the USDA organic regulations. The new standards will also provide the basis for expanding our organic standards equivalency agreements to include this additional area of organic products.

Risks: There are no known risks to providing these additional standards for certification of organic products.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	
Final Action	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: Federal.

Federalism: This action may have federalism implications as defined in EO 13132.

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RIN: 0581–AD34

USDA—AMS

5. • Exemption of Producers and Handlers of Organic Products From Assessment Under a Commodity Promotion Law

Priority: Other Significant.

Unfunded Mandates: Undetermined.

Legal Authority: 7 U.S.C. 7401; Pub. L. 113–79.

CFR Citation: 7 CFR 900.

Legal Deadline: NPRM, Statutory, November 30, 2014.

This action would amend the general regulations that apply to the 29 marketing orders for fruits, vegetables, and specialty crops and the orders and/or rules and regulations of the 22 research and promotion programs under AMS oversight.

Abstract: As a result of this action, certified ''organic'' commodities (those comprising at least 95 percent organic components) would no longer be subject to assessment for promotion activities conducted under marketing order or research and promotion programs. In addition, certified organic commodities that are produced, handled, marketed, or imported by operations that also deal in conventional products would be eligible for exemptions. Currently, only products that are certified ''100 percent organic'' and that are produced and handled by entities that deal exclusively with organic products are exempt from assessments. This action is expected to reduce the assessment obligation for organic industry operators by as much as $13.7 million. Conversely, the impact on the marketing programs will be a loss of approximately $13.7 million in funds for generic commodity promotions.

Statement of Need: Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401) (FAIR Act), as amended, currently exempts entities that produce and market solely 100 percent organic products from payment of assessments under commodity promotion laws. Section 10004 of the Agricultural Act of 2014 (Pub. L. 113–79) (Farm Bill) further amended the FAIR Act to provide exemptions for all certified organic products, including those produced and handled by operators that also deal in conventional products. This action is needed to bring existing Federal regulations governing commodity promotion activities into compliance with the FAIR Act, as amended by the Farm Bill.

Summary of Legal Basis: Section 10004 of the Agricultural Act of 2014 (Pub. L. 113–79) (Farm Bill) further amended the FAIR Act to provide exemptions for all certified organic products, including those produced and handled by operators that also deal in conventional products. This action is needed to bring existing Federal regulations governing commodity promotion activities into compliance with the FAIR Act, as amended by the Farm Bill.

Alternatives: Currently, only products that are certified ''100 percent organic'' and that are produced and handled by entities that deal exclusively with organic products are exempt from assessments. So the alternative, would be to continue in this manner.

Anticipated Cost and Benefits: This action is expected to reduce the assessment obligation for organic

industry operators by as much as $13.7 million.

Risks: Conversely, the impact on the marketing programs will be a loss of approximately $13.7 million in funds for generic commodity promotions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	
Final Action	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Undetermined.

Agency Contact: Michael V. Durando, Chief, Marketing Order Administration Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237, Phone: 202 720–2491, *Fax:* 202 720–8938.

RIN: 0581–AD37

USDA—Farm Service Agency (FSA)

Final Rule Stage

6. Noninsured Crop Disaster Assistance Program

Priority: Other Significant.

Legal Authority: 7 U.S.C. 7333.

CFR Citation: 7 CFR 1437.

Legal Deadline: None.

Abstract: The Commodity Credit Corporation (CCC) is amending regulations for the Noninsured Crop Disaster Assistance Program (NAP). NAP is administered for CCC by the Farm Service Agency (FSA). NAP provides producers of crops that are not eligible for crop insurance with a basic level of risk management coverage. NAP provides financial assistance to producers of non-insurable crops when low yield, loss of inventory, or prevented plantings occur due to a natural disaster. The rule includes changes to NAP required by the 2014 Farm Bill. The changes include revised NAP eligibility requirements for coverage on tilled native sod, and added coverage for sweet sorghum and biomass sorghum. Beginning and socially disadvantaged farmers will be eligible for service fee waivers. New ''buy up'' provisions will allow producers to buy additional NAP coverage for an additional premium. While the rule does not have a statutory deadline, the 2014 Farm Bill requires changes to the NAP program beginning with the 2015 coverage year, which begins as early as May 2014. In addition to the 2014 Farm Bill changes, the rule also makes the following changes:

- Adds NAP coverage for organic crops.
- Expands NAP coverage for mollusks, a common aquaculture crop. Specifically, it removes the current requirement that eligible mollusk inventory be seeded and raised in containers or similar devices designed to protect the aquaculture species.

Statement of Need: This rule is needed to update the FSA regulations to implement the 2014 Farm Bill changes.

Summary of Legal Basis: The Agricultural Act of 2014 (Pub. L. 113–79).

Alternatives: There are no alternatives to this rule, the changes are legislatively mandated.

Anticipated Cost and Benefits: A cost benefit analysis was prepared for this rule and will be made available when the rule is published.

Risks: None.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

URL For Public Comments: *regulations.gov*.

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RIN: 0560–AI20

USDA—FSA

7. • Conservation Compliance

Priority: Other Significant.

Legal Authority: 7 U.S.C. 1501 *et seq.;* 16 U.S.C. 3811 and 3812; 16 U.S.C. 3821 and 3822.

CFR Citation: 7 CFR 12.

Legal Deadline: None.

Abstract: The interim rule implements mandatory changes to the conservation compliance regulations in 7 CFR part 12 as required by the Agricultural Act of 2014 (the 2014 Farm Bill). The current regulations require participants in most USDA programs to comply with conservation compliance measures on any land that is highly erodible or that is considered a wetland. The 2014 Farm Bill expands current conservation compliance requirements to apply to producers who obtain subsidized Federal crop insurance under the Federal Crop Insurance Act. It also slightly modifies the existing wetlands ''Mitigation Banking'' program to remove the requirement that USDA hold easements in the mitigation program.

Statement of Need: This rule is needed to update the FSA regulations to implement the 2014 Farm Bill changes.

Summary of Legal Basis: The Agricultural Act of 2014 (Pub. L. 113–79).

Alternatives: There are no alternatives to this rule; the changes are legislatively mandated.

Anticipated Cost and Benefits: A cost benefit analysis was prepared for this rule and will be made available when the rule is published.

Risks: None.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For Public Comments: regulations.gov.

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RIN: 0560–AI26

USDA—FSA

8. • Conservation Reserve Program (CRP)

Priority: Other Significant.

Legal Authority: 16 U.S.C. 3831 to 3835.

CFR Citation: 7 CFR 1410.

Legal Deadline: None.

Abstract: The rule implements changes to CRP required by the 2014 Farm Bill. CRP assists producers in conserving and improving soil, water, and wildlife resources by converting highly erodible and other environmentally sensitive acreage to a long-term vegetative cover. The core scope of CRP will not change. The changes required by the 2014 Farm Bill include providing an ''early out'' for contract cancellations in 2015, removing the requirement for a payment reduction for emergency haying and grazing, and allowing non-cropland (grasslands) in CRP. CRP is a Commodity Credit

Corporation (CCC) program administered by the Farm Service Agency (FSA).

Statement of Need: This rule is needed to update the FSA regulations to implement the 2014 Farm Bill changes.

Summary of Legal Basis: The Agricultural Act of 2014 (Pub. L. 113–79).

Alternatives: There are no alternatives to the rule; the changes are legislatively mandated.

Anticipated Cost and Benefits: A cost-benefit analysis will be prepared for the rule and will be made available when the rule is published.

Risks: None.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For Public Comments: regulations.gov.

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RIN: 0560–AI30

USDA—Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

9. Brucellosis and Bovine Tuberculosis; Update of General Provisions

Priority: Other Significant.

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 15 U.S.C. 1828; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701.

CFR Citation: 9 CFR 50 and 51; 9 CFR 71; 9 CFR 76 to 78; 9 CFR 86; 9 CFR 93; 9 CFR 161.

Legal Deadline: None.

Abstract: This rulemaking would consolidate the regulations governing bovine tuberculosis (TB), currently found in 9 CFR part 77, and those governing brucellosis, currently found in 9 CFR part 78. As part of this consolidation, we are proposing to transition the TB and brucellosis programs away from a State status system based on disease prevalence. Instead, States and tribes would implement an animal health plan that identifies sources of the diseases within the State or tribe and specifies mitigations to address the risk posed by these sources. The consolidated regulations would also set forth standards for surveillance, epidemiological investigations, and affected herd management that must be incorporated into each animal health plan, with certain limited exceptions; conditions for the interstate movement of cattle, bison, and captive cervids; and conditions for APHIS approval of tests for bovine TB or brucellosis. Finally, the rulemaking would revise the import requirements for cattle and bison to make these requirements clearer and ensure that they more effectively mitigate the risk of introduction of the diseases into the United States.

Statement of Need: The current regulations were issued during a time when the prevalence rates for the disease in domestic, cattle, bison, and captive cervids were much higher than they are today. As a result, the regulations specify measures that are necessary to prevent these diseases from spreading through the interstate movement of infected animals. The regulations are effective in this regard, but do not address reservoirs of tuberculosis and brucellosis that exist in certain States. Moreover, the regulations presuppose one method of dealing with infected herds—whole-herd depopulation—and do not take into consideration the development of other methods, such as test-and-remove protocols, that are equally effective but less costly for APHIS and producers. Finally, our current regulations governing the importation of cattle and bison do not always address the risk that such animals may pose of spreading brucellosis or bovine tuberculosis, and need to be updated to allow APHIS to take appropriate measures when prevalence rates for bovine tuberculosis or brucellosis increase or decrease in foreign regions.

Summary of Legal Basis: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture has the authority to issue orders and promulgate regulations to prevent the introduction into the United States and the dissemination within the United States of any pest or disease of livestock.

Alternatives: One alternative would be to leave the current regulations unchanged. As noted above, the current regulations are effective in preventing the interstate movement of infected animals, but do not address reservoirs of brucellosis and tuberculosis that exist in certain States and thus do not address the root cause of such infection. They also are written in a prescriptive manner which does not allow States to take into consideration scientific developments and other emerging information in determining how best to deal with infected animals and herds. Finally, APHIS' current regulations governing the importation of cattle and bison do not always address the risk that such animals may pose of spreading bovine tuberculosis or brucellosis.

A second alternative considered was to limit the scope of the regulatory changes to the Agency's domestic tuberculosis and brucellosis program. However, in recent years, when tuberculosis-affected animals have been discovered at slaughtering facilities within the United States, these animals have usually been of foreign origin. This has led us to reexamine the current import regulations. As a result of this reevaluation, we have determined that the import regulations need to be revised to assure that they more effectively mitigate the risk of introduction of these diseases into the United States.

Anticipated Cost and Benefits: Certain additional costs may be incurred by producers as a result of this rule. For example, the proposed rule would impose new interstate movement restrictions on rodeo, event, and exhibited cattle and bison and impose additional costs for producers of such cattle and bison. These new testing requirements could cost, in aggregate, between $651,000 and $1 million. Also, the proposed additional restrictions for the movement of captive cervids could result in additional costs for producers. Adhering to these new requirements may have a total cost to the captive cervid industry of between about $157,000 and $485,000 annually. States and tribes would incur costs associated with this proposed rule, in particular in developing animal health plans for bovine tuberculosis and brucellosis. The proposed animal health plans for brucellosis and bovine tuberculosis would build significantly on existing operations with respect to these diseases. We anticipate that all 50 States and as many as 3 tribes would develop animal health plans. Based on our estimates of plan development costs, the total cost of the development of these 53 animal health plans could be between about $750,000 and $2.9 million. We expect that under current circumstances, four or five States are likely to develop recognized management area plans as proposed in this rule as part of their animal health plans. Based on our estimates of recognized management area plan development costs, the cost of developing recognized management area plans by these States could total

between $56,000 and $274,000. While direct effects of this proposed rule for producers should be small, whether the entity affected is small or large, consolidation of the brucellosis and bovine tuberculosis regulations is expected to benefit the affected livestock industries. Disease management would be more focused, flexible and responsive, reducing the number of producers incurring costs when disease concerns arise in an area. Also, the competitiveness of the United States in international markets depends on its reputation for producing healthy animals. The proposed rule would enhance this reputation through its comprehensive approach to the control of identified reservoirs of bovine tuberculosis or brucellosis in wildlife populations in certain parts of the United States and more stringent import regulations consistent with domestic restrictions. We expect that the benefits would justify the costs.

Risks: If we do not issue this proposed rule, reservoirs of brucellosis and tuberculosis that exist in certain States will not be adequately evaluated and addressed. Additionally, our current regulations regarding the importation of cattle and bison do not always address the risk that such animals may pose of spreading brucellosis or bovine tuberculosis.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	
NPRM Comment Period End.	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State, Tribal.

Additional Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*.

Agency Contact: Langston Hull, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737, *Phone:* 301 851–3300.

C. William Hench, Senior Staff Veterinarian, Ruminant Health Programs, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 2150 Centre Avenue, Building B–3E20, Ft. Collins, CO 80526, *Phone:* 970 494–7378.

RIN: 0579–AD65

USDA—APHIS

10. Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables

Priority: Other Significant.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a.

CFR Citation: 7 CFR 318 and 319.

Legal Deadline: None.

Abstract: This rulemaking would amend our regulations governing the importations of fruits and vegetables by broadening our existing performance standard to provide for consideration of all new fruits and vegetables for importation into the United States using a notice-based process. Rather than authorizing new imports through proposed and final rules and specifying import conditions in the regulations, the notice-based process uses **Federal Register** notices to make risk analyses available to the public for review and comment, with authorized commodities and their conditions of entry subsequently being listed on the Internet. It would also remove the region- or commodity-specific phytosanitary requirements currently found in these regulations. Likewise, we are proposing an equivalent revision of the performance standard in our regulations governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This proposal would allow for the consideration of requests to authorize the importation or interstate movement of new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It would not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated.

Statement of Need: The revised regulations are needed to streamline the administrative process involved in consideration of fruits and vegetables currently not authorized for interstate movement or importation, while continuing to provide opportunity for public comment and engagement on the science and risk-based analysis associated with such imports and interstate movements. The proposal would also enable us to adapt our import requirements more quickly in the event of any changes to a country's pest or disease status or as a result of new scientific information or treatment options.

Summary of Legal Basis: Under section 7701 of the Plant Protection Act (PPA), given that the smooth movement of enterable plants and plant products into, out of, or within the United States is vital to the U.S. economy, it is the responsibility of the Secretary of Agriculture to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk of harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk of dissemination of plant pests or noxious weeds. Decisions regarding exports, imports, and interstate commerce are required to be based on sound science.

Alternatives: We considered taking no action at this time and leaving the regulations as they are currently written. We decided against this alternative because leaving the regulations unchanged would not address the needs identified immediately above.

Anticipated Cost and Benefits: Consumers and businesses would benefit from the more timely access to fruits and vegetables for which entry or movement would currently require rulemaking. This benefit would be reduced to the extent that certain businesses would face increased competition for the subject fruits and vegetables sooner due to their more timely approval. APHIS has not identified other costs that may be incurred because of the proposed rule.

Risks: The performance-based process more closely links APHIS' decision to authorize importation of a fruit or vegetable with the pest risk assessment and brings us in line with other countries that authorize importation of a fruit or vegetable with the pest risk assessment. Some countries have viewed the rulemakings for fruits and vegetables that follow completion of the pest risk assessment as a non-technical trade barrier and may have slowed the approval of U.S. exports (including, but not limited to, fruits and vegetables) into their markets, or placed additional restrictions on existing exports from the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/09/14	79 FR 53346
NPRM Comment Period End.	11/10/14	

Action	Date	FR Cite
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*.

Agency Contact: Matthew Rhoads, Associate Executive Director, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737–1231, *Phone*: 301 851–2133.

RIN: 0579–AD71

USDA—APHIS

Final Rule Stage

11. Viruses, Serums, Toxins, and Analogous Products; Single Label Claim for Veterinary Biological Products

Priority: Other Significant.

Legal Authority: 21 U.S.C. 151 to 159

CFR Citation: 9 CFR 112.

Legal Deadline: None.

Abstract: This rulemaking will amend the Virus-Serum-Toxin Act regulations to replace the current label format, which reflects any of four different levels of effectiveness, with a single, uniform label format. It will also require biologics licensees to provide a standardized summary, with confidential business information removed, of the efficacy and safety data submitted to the Animal and Plant Health Inspection Service in support of the issuance of a full product license or conditional license. A single label format along with publicly available safety and efficacy data will help biologics producers to more clearly communicate product performance to their customers.

Statement of Need: The intent of this proposal is to address a request made by our stakeholders and to more clearly communicate product performance information to the user by requiring a uniform label format and a summary of efficacy and safety data (with confidential business information removed).

Summary of Legal Basis: APHIS administers and enforces the Virus-Serum-Toxin Act, as amended (21 U.S.C. 151 to 159). The regulations issued pursuant to the Act are intended to ensure that veterinary biological products are pure, safe, potent, and efficacious when used according to label instructions.

Alternatives: We could retain the current APHIS labeling guidance, but maintaining the status quo would not address the concern reported by stakeholders concerning the interpretation of product performance.

Anticipated Cost and Benefits: APHIS anticipates that the only costs associated with the proposed labeling format would be one-time costs incurred by licensees and permittees in having labels for existing licensed products updated in accordance with the proposed new format. A simpler, uniform label format would allow biologics licensees and permittees to more clearly communicate product performance information to the end user. In addition, the rule would simplify the evaluation of efficacy studies and reduce the amount of time required by APHIS to evaluate study data, thus allowing manufacturers to market their products sooner.

Risks: APHIS has not identified any risks associated with this proposed action.

Timetable:

Action	Date	FR Cite
Notice	05/24/11	76 FR 30093
Comment Period End.	07/25/11	
NPRM	04/21/14	79 FR 22048
NPRM Comment Period End.	06/20/14	
Final Action	05/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*.

Agency Contact: Donna L Malloy, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 148, Riverdale, MD 20737–1231, *Phone*: 301 851–3426.

RIN: 0579–AD64

USDA—APHIS

12. User Fees for Agricultural Quarantine and Inspection Services

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503

CFR Citation: 7 CFR 354.

Legal Deadline: None.

Abstract: This rulemaking will amend the user fee regulations by adding new fee categories and adjusting current fees charged for certain agricultural quarantine and inspection services that are provided in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international passengers arriving at ports in the customs territory of the United States. It will also adjust the fee caps associated with commercial vessels, commercial trucks, and commercial railcars. Based on the conclusions of a third party assessment of the user fee program and on other considerations, we have determined that revised user fee categories and revised user fees are necessary to recover the costs of the current level of activity, to account for actual and projected increases in the cost of doing business, and to more accurately align fees with the costs associated with each fee service.

Statement of Need: Regarding certain agricultural quarantine and inspection services that are provided in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international passengers arriving at ports in the customs territory of the United States, we have determined that revised user fee categories and revised user fees are necessary to recover the costs of the current level of activity, to account for actual and projected increases in the cost of doing business, and to more accurately align fees with the costs associated with each fee service.

Summary of Legal Basis: Section 2509(a) of the Food, Agriculture, Conservation, and Trade (FACT) Act of 1990 (21 U.S.C. 136a) authorizes APHIS to collect user fees for certain agricultural quarantine and inspection (AQI) services. The FACT Act was amended on April 4, 1996, and May 13, 2002. The FACT Act, as amended, authorizes APHIS to collect user fees for AQI services provided in connection with the arrival, at a port in the customs territory of the United States, of commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international passengers. According to the FACT Act, as amended, these user fees should recover the costs of:

• Providing the AQI services for the conveyances and the passengers listed above;

• Providing preclearance or preinspection at a site outside the customs territory of the United States to international passengers, commercial vessels, commercial trucks, commercial railroad cars, and commercial aircraft;

• Administering the user fee program; and

• Maintaining a reasonable reserve.

In addition, the FACT Act, as amended, contains the following requirement:

• The fees should be commensurate with the costs with respect to the class of persons or entities paying the fees. This is intended to avoid cross-subsidization of AQI services.

Alternatives: APHIS focused on three alternatives composed of different combinations of paying classes. The first or preferred alternative is the proposed rule; the second alternative differed from the first by not including user fees for recipients of AQI treatment services; and under the third alternative, recipients of commodity import permits and pest import permits would pay user fees, in addition to the classes that would pay fees under the proposed rule. The latter two alternatives were rejected.

Anticipated Cost and Benefits: The proposed changes in user fees would ensure that the program can continue to protect America's agricultural industries and natural resource base against invasive species and diseases while more closely aligning, by class, the cost of AQI services provided and user fee revenue received.

Risks: AQI services benefit U.S. agricultural and natural resources by protecting them from the inadvertent introduction of foreign pests and diseases that may enter the country and the threat of intentional introduction of pests or pathogens as a means of agroterrorism. In the extreme, failure to maintain the nation's biosecurity could disrupt American agricultural production, erode confidence in the U.S. food supply, and destabilize the U.S. economy.

Timetable:

Action	Date	FR Cite
NPRM	04/25/14	79 FR 22895
NPRM Comment Period End.	06/24/14	
NPRM Comment Period Re-opened.	07/01/14	79 FR 37231
NPRM Comment Period Re-opened End.	07/24/14	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*.

Agency Contact: William E Thomas, Senior Agriculturist, Office of the Deputy Administrator, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 130, Riverdale, MD 20737, *Phone*: 301 851–2306.

Kris Caraher, Branch Chief, Review and Analysis, Financial Management Division, MRPBS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 55, Riverdale, MD 20737, *Phone*: 301 851–2834.

RIN: 0579–AD77

USDA—FOOD AND NUTRITION SERVICE (FNS)

Proposed Rule Stage

13. Emergency Supplemental Nutrition Assistance for Victims of Disasters Procedures

Priority: Other Significant.

Legal Authority: Food and Nutrition Act of 2008

CFR Citation: 7 CFR 280.

Legal Deadline: None.

Abstract: The Food and Nutrition Act of 2008 (FNA) provides authority for the Secretary of Agriculture to establish temporary emergency standards of eligibility for the duration of an emergency for households who are victims of a disaster that disrupts commercial channels of food distribution. FNS plans to publish a Proposed Rule for D–SNAP that will codify longstanding policies disseminated through previous guidance.

Statement of Need: A 2007 Office of Inspector General (OIG) report (Audit 27099–49–Te: Disaster Food Stamp Program for Hurricanes Katrina and Rita—Louisiana, Mississippi, and Texas—Final Report) found some deficits in the design and review of State D–SNAP plans of operation and inadequate controls to prevent recipient fraud and duplicate participation. OIG attributed the deficits, in part, to a lack of detailed procedures in regulations and, in response, recommended that FNS amend D–SNAP policy on those specific topics and promulgate D–SNAP regulations.

Summary of Legal Basis: The Food and Nutrition Act of 2008 (FNA) provides authority for the Secretary of Agriculture to establish temporary emergency standards of eligibility for the duration of an emergency for households who are victims of a disaster which disrupts commercial channels of food distribution.

Alternatives: None identified; this Proposed Rule primarily will codify long-standing D–SNAP procedures.

Anticipated Cost and Benefits: As the Proposed Rule primarily will codify longstanding D–SNAP procedures, FNS anticipates that this rule will not result in any significant costs.

Risks: No risks are anticipated as the proposed rule will codify longstanding procedures.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	
NPRM Comment Period End.	05/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Local, State.

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RIN: 0584–AE00

USDA—FNS

14. Child Nutrition Program Integrity

Priority: Other Significant.

Legal Authority: Pub. L. 111–296.

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 225; 7 CFR 226; 7 CFR 235.

Legal Deadline: None.

Abstract: This rule proposes to codify three provisions of the Healthy, Hunger-Free Kids Act of 2010 (the Act). Section 303 of the Act requires the Secretary to establish criteria for imposing fines against schools, school food authorities, or State agencies that fail to correct severe mismanagement of the program,

fail to correct repeat violations of program requirements, or disregard a program requirement of which they had been informed. Section 322 of the Act requires the Secretary to establish procedures for the termination and disqualification of organizations participating in the Summer Food Service Program (SFSP). Section 362 of the Act requires that any school, institution, service institution, facility, or individual that has been terminated from any program authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, and appears on either the SFSP or the Child and Adult Care Food Program's (CACFP's) disqualified list, may not be approved to participate in or administer any other programs authorized under those two Acts.

Statement of Need: There are currently no regulations imposing fines on schools, school food authorities, or State agencies for program violations and mismanagement. This rule will: (1) Establish criteria for imposing fines against schools, school food authorities, or State agencies that fail to correct severe mismanagement of the program or repeated violations of program requirements; (2) establish procedures for the termination and disqualification of organizations participating in the Summer Food Service Program (SFSP); and (3) require that any school, institutions, or individual that has been terminated from any Federal Child Nutrition Program and appears on either the SFSP or the Child and Adult Care Food Program's (CACFP's) disqualified list may not be approved to participate in or administer any other Child Nutrition Program.

Summary of Legal Basis: This rule codifies Sections 303, 322, and 362 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296).

Alternatives: None identified; this rule implements statutory requirements.

Anticipated Cost and Benefits: This rule is expected to help promote program integrity in all of the child nutrition programs. FNS anticipates that these provisions will have no significant costs and no major increase in regulatory burden to States.

Risks: None identified.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	
NPRM Comment Period End.	03/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Local, State.

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: James F Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone*: 703 305–2572, *Email*: *james.herbert@fns.usda.gov*.

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RIN: 0584–AE08

USDA—FNS

15. Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010

Priority: Other Significant.

Legal Authority: Pub. L. 111–296

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 226.

Legal Deadline: None.

Abstract: This proposal would implement section 221 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296; the Act) which requires USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure that meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science.

Statement of Need: Section 221 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296, the Act) requires USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure that meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science. The Act also clarifies the purpose of the program, restricts the use of food as a punishment or reward, outlines requirements for milk and milk substitution, and introduces requirements for the availability of water. This rule will establish the criteria and procedures for implementing these provisions of the Act.

Summary of Legal Basis: Section 221 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296).

Alternatives: There are several instances throughout this rule and its associated Regulatory Impact Analysis that offer alternatives for review and comment to the various criteria and procedures discussed in this proposed rule.

Anticipated Cost and Benefits: This rule is expected to improve the nutritional quality of meals served and the overall health of children participating in the CACFP. Most CACFP meals are served to children from low-income households. At this time, we cannot estimate the financial impact the proposed rule will have on State agencies, sponsoring organizations, and child care institutions, but we expect that there will be a small cost increase associated with the implementation of improved meal pattern requirements. A regulatory impact analysis will be conducted to determine these cost implications.

Risks: None identified.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	
NPRM Comment Period End.	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Local, State.

Agency Contact: James F. Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone*: 703 305–2572, *Email*: *james.herbert@fns.usda.gov*.

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RIN: 0584–AE18

USDA—FNS

16. Enhancing Retailer Eligibility Standards In SNAP

Priority: Other Significant.

Legal Authority: Sec 3, U.S.C. 2012; sec 9, U.S.C. 2018

CFR Citation: 7 CFR 271.2; 7 CFR 278.1.

Legal Deadline: None.

Abstract: This rulemaking will address the criteria used to authorize redemption of SNAP benefits (especially by restaurant-type operations).

Statement of Need: The 2014 Farm Bill amended the Food and Nutrition

Act of 2008 to increase the requirement that certain SNAP authorized retail food stores have available on a continual basis at least three varieties of items in each of four staple food categories to a mandatory minimum of seven. The 2014 Farm Bill also amended the Act to increase for certain SNAP authorized retail food stores the minimum number of categories in which perishable foods are required from two to three. This rule would codify these mandatory requirements. Further, using existing authority in the Act and feedback from an expansive Request for Information, the rulemaking also proposes changes to address depth of stock, redefine staple and accessory foods, and amend the definition of retail food store to clarify when a retailer is a restaurant rather than a retail food store.

Summary of Legal Basis: Section 3(k) of the Food and Nutrition Act of 2008 (the Act) generally (with limited exception) (1) requires that food purchased with SNAP benefits be meant for home consumption and (2) forbids the purchase of hot foods with SNAP benefits. The intent of those statutory requirements can be circumvented by selling cold foods, which may be purchased with SNAP benefits, and offering onsite heating or cooking of those same foods, either for free or at an additional cost. In addition, Section 9 of the Act provides for approval of retail food stores and wholesale food concerns based on their ability to effectuate the purposes of the Program.

Alternatives: Because this proposed rule is under development, alternatives are not yet articulated.

Anticipated Cost and Benefits: The proposed changes will allow FNS to improve access to healthy food choices for SNAP participants and to ensure that participating retailers effectuate the purposes of the Program. FNS anticipates that these provisions will have no significant costs to States.

Risks: None identified.

Timetable:

Action	Date	FR Cite
NPRM	08/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: State.

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone*: 703 605–0800, *Email*: *charles.watford@fns.usda.gov*.

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RIN: 0584–AE27

USDA—FNS

Final Rule Stage

17. Supplemental Nutrition Assistance Program: Farm Bill of 2008 Retailer Sanctions

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: Pub. L. 110–246

CFR Citation: 7 CFR 276.

Legal Deadline: None.

Abstract: This final rule would implement provisions under section 4132 of the Food, Conservation, and Energy Act of 2008, giving the Department of Agriculture's Food and Nutrition Service (FNS) the authority to assess a civil penalty and to disqualify a retail or wholesale food store authorized to participate in SNAP.

Statement of Need: This final rule implements the provisions of the 2008 Farm Bill that provide the U.S. Department of Agriculture greater flexibility in assessing sanctions against retail food stores and wholesale food concerns found in violation of the Supplemental Nutrition Assistance Program rules. This rule updates SNAP retailer sanction regulations to include authority granted in the 2008 Farm Bill to allow the Food and Nutrition Service (FNS) to impose a civil penalty in addition to disqualification, raise the allowable penalties per violation and provide greater flexibility to the Department for minor violations.

Summary of Legal Basis: Section 4132, Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246).

Alternatives: For the new trafficking civil penalty, FNS considered alternatives for assessing a civil penalty in addition to permanent disqualification for stores sanctioned for trafficking.

Anticipated Cost and Benefits: The changes to the retailer sanction regulations will improve program integrity by increasing the deterrent effect of sanctions on the small number of authorized firms that commit program violations.

Risks: The risk that retail or wholesale food stores will violate SNAP rules, or continue to violate SNAP rules, is expected to be reduced by refining program sanctions for participating retailers and wholesalers.

Timetable:

Action	Date	FR Cite
NPRM	08/14/12	77 FR 48461
NPRM Comment Period End.	10/15/12	
Final Action	01/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: State.

Additional Information: Note: This RIN replaces the previously issued RIN 0584–AD78.

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RIN: 0584–AD88

USDA—FNS

18. Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010

Priority: Other Significant.

Legal Authority: Pub. L. 111–296

CFR Citation: 7 CFR 210; 7 CFR 220.

Legal Deadline: None.

Abstract: This final rule codifies a provision of the Healthy, Hunger-Free Kids Act (Pub. L. 111–296; the Act) under 7 CFR parts 210 and 220. Section 204 of the Act requires each local educational agency (LEA) to establish, for all schools under its jurisdiction, a local school wellness policy. The Act requires that the wellness policy include goals for nutrition, nutrition education, physical activity, and other school-based activities that promote student wellness. In addition, the Act requires that local educational agencies ensure stakeholder participation in development of their local school wellness policies, and periodically assess compliance with the policies, and disclose information about the policies to the public.

Statement of Need: Schools play a critical role in promoting student health, preventing childhood obesity, and combating problems associated with poor nutrition and physical inactivity. To formalize and encourage this role, section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108–265), required each

local educational agency (LEA) participating in the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP) to establish a local school wellness policy by School Year 2006. Subsequently, section 204 of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA, Pub. L. 111–296, December 13, 2010) added a new section 9A to the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1758b) which expands the scope of wellness policies; brings additional stakeholders into the development, implementation, and review of local school wellness policies; and requires public updates on the content and implementation of the wellness policies.

Summary of Legal Basis: Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108–265); Section 204 of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA, Pub. L. 111–296).

Alternatives: Alternatives to some of the policy provisions were outlined in the proposed rule and will be discussed in the final rule.

Anticipated Cost and Benefits: The rule strengthens local school wellness policy requirements. As described in the Regulatory Impact Analysis, we expect this to improve health outcomes for students, though we are not able to quantify these benefits. Minimal administrative expenses are estimated in relation to additional reporting and recordkeeping requirements.

Risks: None identified.

Timetable:

Action	Date	FR Cite
NPRM	02/26/14	79 FR 10693
NPRM Comment Period End.	04/28/14	
Final Action	04/00/15	

Regulatory Flexibility Analysis Required:: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Local, State.

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Lynnette M. Thomas, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone*: 703 605–4782, *Email*: *lynnette.thomas@fns.usda.gov.*

RIN: 0584–AE25

USDA—FNS

19. • SNAP: Employment and Training (E&T) Performance Measurement, Monitoring and Reporting Requirements

Priority: Other Significant.

Legal Authority: Pub. L. 113–79

CFR Citation: 7 CFR 273.

Legal Deadline: None.

Abstract: This rule will implement the E&T provisions of section 4022 of The Agricultural Act of 2014. The provisions of the Agricultural Act of 2014 require reporting measures for States' E&T programs.

Statement of Need: Section 4022 of Agricultural Act of 2014 states that ''Not later than 18 months after the date of enactment of this Act, the Secretary shall issue interim final regulations implementing the amendments made by subsection (a)(2).'' This interim rule will address the amendments in subsection (a)(2). This rule will also address the USDA Office of Inspector General (OIG) audit entitled ''Food Stamp Employment and Training Program'' (OIG #27601–16–AT), released March 31, 2008, that recommended FNS establish performance measures for the SNAP E&T Program. This rule will bring closure to that audit recommendation.

Summary of Legal Basis: Section 4022 of Agricultural Act of 2014.

Alternatives: Alternatives will be identified in the interim final rule.

Anticipated Cost and Benefits: Costs and Benefits will be identified in the interim final rule.

Risks: Risks, if applicable, will be identified in the interim final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Local, State.

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RIN: 0584–AE33

USDA—Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

20. Requirements for the Disposition of Non–Ambulatory Disabled Veal Calves

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*)

CFR Citation: 9 CFR 309.

Legal Deadline: None.

Abstract: FSIS is proposing to amend the ante-mortem inspection regulations to remove a provision that permits establishments to set apart and hold for treatment veal calves that are unable to rise from a recumbent position and walk because they are tired or cold (9 CFR 309.13(b)). The regulations permit such calves to proceed to slaughter if they are able to rise and walk after being warmed or rested. FSIS is proposing to require that non-ambulatory disabled (NAD) veal calves that are offered for slaughter be condemned and promptly euthanized. The existing regulations require that NAD mature cattle be condemned on ante-mortem inspection and that they be promptly euthanized (9 CFR 309.3(e)). FSIS believes that prohibiting the slaughter of all NAD veal calves would improve compliance with the Humane Methods of Slaughter Act of 1978 (HMSA), and the humane slaughter implementing regulations. It would also improve the Agency's inspection efficiency by eliminating the time that FSIS inspection program personnel (IPP) spend assessing and supervising the treatment of NAD veal calves.

Statement of Need: Removing the provision from 9 CFR 309.13(b) would eliminate uncertainty as to what is to be done with veal calves that are non-ambulatory disabled because they are tired or cold, or because they are injured or sick, thereby ensuring the appropriate disposition of these animals. In addition, removing the provision in 9 CFR 309.13(b) would improve inspection efficiency by eliminating the time that FSIS IPP spend assessing the treatment of non-ambulatory disabled veal calves.

Summary of Legal Basis: 21 U.S.C. 603 (a) and (b).

Alternatives: The Agency considered two alternatives to the proposed amendment: The status quo and prohibiting the slaughter of non-ambulatory disabled ''bob veal,'' which are calves generally less than one week old.

Anticipated Cost and Benefits: If the proposed rule is adopted, non-

ambulatory disabled veal calves will not be re-inspected during ante-mortem inspection. The veal calves that are condemned during ante-mortem inspection will be euthanized. The estimated annual cost to the veal industry would range between $2,368 and $161,405.

The expected benefits of this proposed rule are not quantifiable. However, the proposed rule will ensure the humane disposition of the non-ambulatory disabled veal calves. It will also increase the efficiency and effective implementation of inspection and humane handling requirements at official establishments.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Dr. Daniel L. Engeljohn, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, 349–E JWB, Washington, DC 20250, *Phone*: 202 205–0495, *Fax*: 202 720–2025, *Email*: *daniel.engeljohn@fsis.usda.gov.*

RIN: 0583–AD54

USDA—FSIS

Final Rule Stage

21. Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 to 695); Pub. L. 110–246, sec 11016; Pub. L. 113–79, sec 12106

CFR Citation: 9 CFR ch III, subchapter F (new).

Legal Deadline: Final, Statutory, Final Regulations not later than 60 days after enactment of the Agricultural Act of 2014 (Pub. L. 113–79). The Agriculture Act of 2014 directs the Department to publish final regulations not later than 60 days after the date of enactment.

Abstract: The 2008 Farm Bill (Pub. L. 110–246, sec. 11016), amended the Federal Meat Inspection Act (FMIA) to make ''catfish'' a species amenable to the FMIA and, therefore, subject to FSIS inspection. In addition, the 2008 Farm Bill gave FSIS the authority to define the term ''catfish.'' On February 24, 2011, FSIS published a proposed rule that outlined a mandatory catfish inspection program and presented two options for defining ''catfish.'' The 2014 Farm Bill (Pub. L. 113–79, sec. 12106), amended the FMIA to remove the term ''catfish'' and to make ''all fish of the order Siluriformes'' subject to FSIS jurisdiction and inspection. As a result, FSIS inspection of Siluriformes is mandated by law and non-discretionary.

Statement of Need: The 2008 and 2014 Farm Bills amended the Federal Meat Inspection Act, making all fish of the order Siluriformes amenable species to the FMIA, requiring FSIS inspection.

Summary of Legal Basis: 21 U.S.C. 601 to 695, Public Law 110–246, section 11016, Public Law 113–79, section 12106.

Alternatives: The option of no rulemaking is unavailable.

Anticipated Cost and Benefits: FSIS anticipates benefits from uniform standards and the more extensive and intensive inspection service it will provide. The requirements for imported Siluriformes will be equivalent to those applied to domestically raised and processed fish of this type.

Risks: In the final rule, the Agency will consider any risks to public health or other pertinent risks associated with the production, processing, and distribution of catfish and catfish products.

Timetable:

Action	Date	FR Cite
NPRM	02/24/11	76 FR 10434
NPRM Comment Period End.	06/24/11	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Dr. Daniel L. Engeljohn, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, 349–E JWB, Washington, DC 20250, *Phone:* 202 205–0495, *Fax:* 202 720–2025, *Email: daniel.engeljohn@fsis.usda.gov.*

RIN: 0583–AD36

USDA—FSIS

22. Electronic Export Application and Certification as a Reimbursable Service and Flexibility in the Requirements for Official Export Inspection Marks, Devices, and Certificates

Priority: Other Significant.

Legal Authority: Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 to 695); Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 to 470); Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 to 1056); Agricultural Marketing Act (AMA) (7 U.S.C. 1622(h)

CFR Citation: 9 CFR 312.8; 9 CFR 322.1 and 322.2; 9 CFR 350.7; 9 CFR 362.5; 9 CFR 381.104 to 381.106; 9 CFR 590.407; 9 CFR 592.20 and 592.500.

Legal Deadline: None.

Abstract: FSIS is developing final regulations to amend the meat, poultry, and egg product inspection regulations to provide for an electronic export application and certification system. The electronic export application and certification system will be a component of the Agency's Public Health Information System (PHIS). The export component of PHIS will be available as an alternative to the paper-based application and certification process. FSIS intends to charge users for the use of the system. FSIS is establishing a formula for calculating the fee. FSIS is also providing establishments that export meat, poultry, and egg products with flexibility in the official export inspection marks, devices, and certificates. In addition, FSIS is amending the egg product export regulations to parallel the meat and poultry export regulations.

Statement of Need: These regulations will facilitate the electronic processing of export applications and certificates through the Public Health Information System (PHIS), a computerized, Web-based inspection information system. This rule will provide the electronic export system as a reimbursable certification service charged to the exporter.

Summary of Legal Basis: 21 U.S.C. 601 to 695; 21 U.S.C. 451 to 470; 21 U.S.C. 1031 to 1056; 7 U.S.C. 1622(h).

Alternatives: The electronic export applications and certification system is being proposed as a voluntary service; therefore, exporters have the option of continuing to use the current paper-based system. Therefore, no alternatives were considered.

Anticipated Cost and Benefits: FSIS is charging exporters an application fee for the electronic export system. Automating the export application and certification process will facilitate the exportation of U.S. meat, poultry, and

egg products by streamlining and automating the processes that are in use, while ensuring that foreign regulatory requirements are met. The cost to an exporter would depend on the number of electronic applications submitted. An exporter that submits only a few applications per year would not be likely to experience a significant economic impact. Under this rate, inspection personnel workload will be reduced through the elimination of the physical handling and processing of applications and certificates. When an electronic government-to-government system interface or data exchange is used, fraudulent transactions, such as false alterations and reproductions, will be significantly reduced, if not eliminated. The electronic export system is designed to ensure authenticity, integrity, and confidentiality. Exporters will be provided with a more efficient and effective application and certification process. The egg product export regulations provide the same export requirements across all products regulated by FSIS and consistency in the export application and certification process. The total annual paperwork burden to the egg processing industry to fill out the paper-based export application is approximately $32,340 per year for a total of 924 hours a year. The average establishment burden would be 11 hours, and $385.00 per establishment.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	01/23/12	77 FR 3159
NPRM Comment Period End.	03/23/12	
Final Action	02/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Rita Kishore, Acting Director, Import/Export Coordinator and Policy Development Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Office of Policy and Program Development, Room 2147, South Building, Washington, DC 20250, *Phone:* 202 720–6508, *Fax:* 202 720–7990, *Email: rita.kishore@fsis.usda.gov.*

RIN: 0583–AD41

USDA—FSIS

23. Descriptive Designation for Needle– or Blade–Tenderized (Mechanically Tenderized) Beef Products

Priority: Other Significant.

Legal Authority: 21 U.S.C. 601 to 695

CFR Citation: 9 CFR 317.2(e)(3).

Legal Deadline: None.

Abstract: FSIS has proposed regulations to require the use of the descriptive designation ''mechanically tenderized'' on the labels of raw or partially cooked needle- or blade-tenderized beef products, including beef products injected with marinade or solution, unless such products are destined to be fully cooked at an official establishment. Beef products that have been needle- or blade-tenderized are referred to as ''mechanically tenderized'' products. This rule would require that the product name for such beef products include the descriptive designation ''mechanically tenderized,'' and an accurate description of the beef component. The rule would also require that the print for all words in the descriptive designation as the product name appear in the same style, color, and size, and on a single-color contrasting background. In addition, this rule would require that labels of raw and partially-cooked needle- or blade-tenderized beef products destined for household consumers, hotels, restaurants, or similar institutions include validated cooking instructions stating that these products need to be cooked to a specified minimum internal temperature, and whether they need to be held at that minimum internal temperature for a specified time before consumption, *i.e.,* dwell time or rest time, to ensure that they are thoroughly cooked.

Statement of Need: FSIS has concluded that without proper labeling, raw or partially cooked mechanically tenderized beef products could be mistakenly perceived by consumers to be whole, intact muscle cuts. The fact that a cut of beef has been needle- or blade-tenderized is a characterizing feature of the product and, as such, a material fact that is likely to affect consumers' purchase decisions and that should affect their preparation of the product. FSIS has also concluded that the addition of validated cooking instruction is necessary to ensure that potential pathogens throughout the product are destroyed. Without thorough cooking, pathogens that may have been introduced to the interior of the product during the tenderization process may remain in the product.

Summary of Legal Basis: 21 U.S.C. 601 to 695.

Alternatives: The Agency considered two options: Option 1, extend labeling requirements to include vacuum-tumbled beef products and enzyme-formed beef products; and Option 2, extend the proposed labeling requirements to all needle- or blade-tenderized meat and poultry products.

Anticipated Cost and Benefits: The proposed rule estimated the one-time cost to produce labels for mechanically tenderized beef at $1.05 million. The annualized cost is $140,000 at 7 percent for 10 years ($120,000 and when annualized at 3 percent for 10 years). The proposed rule estimated an additional one-time total cost to produce labels for mechanically tenderized beef at $1.57 million or $209,000 when annualized at 7 percent for 10 years ($179,000 when annualized at 3 percent for 10 years), if this proposed rule becomes final before the added-solution rule is finalized. The proposed rule estimated the expected number of E. coli O157:H7 illnesses prevented would be 453 per year, with a range of 133 to 1,497, if the predicted percentages of beef steaks and roasts are cooked to an internal temperature of 160 °F (or 145 °F and 3 minutes of dwell time). These prevented illnesses amount to $1,486,000 per year in benefits with a range of $436,000 to $4,912,000. Therefore, the expected annualized net benefits are $296,000 to $4,772,000, with a primary estimate of $1,346,000. If, however, this rule is in effect before the added solutions rule, the expected annualized net benefits are then $1,137,000, with a range of $87,000 to $4,563,000, plus the unquantifiable benefits of increased consumer information and market efficiency, minus an unquantified consumer surplus loss and an unquantified cost associated with food service establishments changing their standard operating procedures.

Risks: FSIS estimates that approximately 1,965 illnesses annually are attributed to mechanically tenderized beef, either with or without added solutions. If all the servings are cooked to a minimum of 160 degrees F then the number of illnesses drops to 78. This number of illnesses is due to a data set for all STEC and not just O157 data. FSIS estimates that 1,887 out of 1,965 would be prevented annually if mechanically tenderized meat were cooked to 160 degrees F.

Timetable:

Action	Date	FR Cite
NPRM	06/10/13	78 FR 34589
NPRM Comment Period End.	08/09/13	

Action	Date	FR Cite
NPRM Comment Period Extended.	08/09/13	78 FR 48631
NPRM Comment Period Reopened.	12/03/13	78 FR 72597
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Rosalyn Murphy-Jenkins, Director, Labeling and Program Delivery Staff (LPDS), Department of Agriculture, Food Safety and Inspection Service, Office of Policy and Program Development, Patriots Plaza 3, 1400 Independence Avenue SW., Room 8–148, Mailstop 5273, Washington, DC 20250–5273, *Phone:* 301 504–0879, *Fax:* 202 245–4792, *Email: rosalyn.murphy-jenkins@fsis.usda.gov.*

RIN: 0583–AD45

USDA—FSIS

24. Record To Be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products

Priority: Other Significant.

Legal Authority: 21 U.S.C. 601 *et seq.*

CFR Citation: 9 CFR 320.

Legal Deadline: None.

Abstract: FSIS proposed to amend its recordkeeping regulations to specify that all official establishments and retail stores that grind raw beef products for sale in commerce must keep records that disclose the identity of the supplier of all source materials that they use in the preparation of each lot of raw ground product, and identify the names of those source materials.

Statement of Need: Under the authority of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and its implementing regulations, FSIS investigates complaints and reports of consumer foodborne illness possibly associated with FSIS-regulated meat products. Many such investigations into consumer foodborne illnesses involve those caused by the consumption of raw beef ground, by official establishments or retail stores. FSIS investigators and public health officials frequently use records kept by all levels of the food distribution chain, including the retail level, to identify and traceback product that is the source of the illness to the suppliers that produced the source material for the product. The Agency, however, has often been thwarted in its effort to traceback ground beef products, some associated with consumer illness, to the suppliers that provided source materials for the products. In some situations, official establishments and retail stores have not kept records necessary to allow traceback and traceforward activities to occur. Without such necessary records, FSIS's ability to conduct timely and effective consumer foodborne illness investigations and other public health activities throughout the stream of commerce is also affected, thereby placing the consuming public at risk. Therefore, for FSIS to be able to conduct traceback and traceforward investigations, foodborne illnesses investigations, or to monitor product recalls, the records kept by official establishments and retail stores that grind raw beef products must disclose the identity of the supplier and the names of the sources of all materials that they use in the preparation of each lot of raw ground beef product.

Summary of Legal Basis: Under 21 U.S.C. 642, official establishments and retail stores that grind raw beef products for sale in commerce are persons, firms, or corporations that must keep such records and correctly disclose all transactions involved in their businesses subject to the Act. This is because they engage in the business of preparing products of an amenable species for use as human food, and they engage in the business of buying or selling (as meat brokers, wholesalers or otherwise) in commerce products of carcasses of an amenable species. These businesses must also provide access to, and inspection of, these records by FSIS personnel. Further, under 9 CFR 320.1(a), every person, firm, or corporation required by section 642 of the FMIA to keep records must keep those records that will fully and correctly disclose all transactions involved in his or its business subject to the Act. Records specifically required to be kept under section 320.1(b) include, but are not limited to, bills of sale; invoices; bills of lading; and receiving and shipping papers. With respect to each transaction, the records must provide the name or description of the livestock or article; the net weight of the livestock or article; the number of outside containers; the name and address of the buyer or seller of the livestock or animal; and the date and method of shipment.

Alternatives: FSIS considered two alternatives to the proposed requirements: The status quo and a voluntary recordkeeping program.

Anticipated Cost and Benefits: Costs occur because about 76,093 retail stores and official establishments will need to develop and maintain records, and make those records available for the Agency's review. Using the best available data, FSIS believes that industry recordkeeping costs would be approximately $1.46 million. Agency costs of approximately $0.01 million would result from record reviews at official establishments and retail stores, as well as travel time to and from retail stores. Annual benefits from this rule come from estimated averted Shiga toxin-producing E.coli illnesses and averted cases of Salmonellosis. Non-monetized benefits will accrue to industry due to an expected smaller volume of recalls, given everything else being equal, and due to the reduced industry vulnerability to reputation-damaging food safety events. Avoiding loss of business reputation is an indirect benefit. The Government will benefit in that the rule will enable it to operate in a more efficient manner in identifying and tracking recalls of adulterated raw ground beef products. Consumers will benefit from a reduction in foodborne illnesses due to quicker recalls, correction of process failures at establishments producing ground beef, and improved guidance and industry practices.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	07/22/14	79 FR 42464
NPRM Comment Period End.	10/22/14	
Final Action	07/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

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RIN: 0583–AD46

USDA—FOREST SERVICE (FS)

Final Rule Stage

25. Forest Service Manual 2020—Ecological Restoration and Resilience Policy

Priority: Other Significant.

Legal Authority: FSM 2020

CFR Citation: None.

Legal Deadline: None.

Abstract: This policy establishes a common definition for ecological restoration and resilience that is

consistent with the 2012 Land Planning rule. The directive provides additional guidance in implementing the definition throughout Forest Service program areas by incorporating it into the Forest Service Manual. Restoration objectives span a number of initiatives in various program areas, including the invasive species strategy; recovery of areas affected by high-severity fires, hurricanes, and other catastrophic disturbances; fish habitat restoration and remediation; riparian area restoration; conservation of threatened and endangered species; and restoration of impaired watersheds and large-scale watershed restoration projects. The restoration policy allows agency employees to more effectively communicate Forest Service work in meeting restoration needs at the local, regional, and national levels. Currently an internal Forest Service interim policy for this final directive has been implemented in the field units, without any issues. This final directive brings the Forest Service policy into alignment with current ecological restoration science and with congressional and Forest Service authorizations and initiatives.

Statement of Need: There is a critical need for ecological restoration on National Forest System lands and the concept of restoration is threaded throughout existing agency authorities and collaborative efforts such as the National Fire Plan. However, without a definition in Forest Services' Directive System there has not been consistent interpretation and application. This established policy was necessary for consistency and for the landscape to better weather disturbances, especially under future environmental conditions.

Summary of Legal Basis: The Forest Service amended the Forest Service Manual (FSM) to add a new title: FSM 2020 Ecological Restoration and Resilience. This final directive reinforced adaptive management, use of science, and collaboration in planning and decision making. These foundational land management policies, including use of restoration to achieve desired conditions, underwent formal public review during revision of the Planning Rule (36 CFR 219) and amendment of associated directives (FSM 1900, 1920).

Alternatives: No alternatives were considered as an established policy is necessary for agency consistency.

Anticipated Cost and Benefits: This final directive had no monetary effect to the agency or the public. The final directive helped agency employees and partners to more effectively communicate restoration needs and accomplishments at the local, regional, and national levels.

Risks: There is no risk identified with this rulemaking.

Timetable:

Action	Date	FR Cite
Proposed Directive.	09/12/13	78 FR 56202
Proposed Directive Comment Period End.	11/12/13	
Final Directive	02/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: LaRenda C. King, Assistant Director, Directives and Regulations, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250–0003, *Phone:* 202 205–6560, *Email: larendacking@fs.fed.us.*

RIN: 0596–AC82

USDA—FS

26. Land Management Planning Rule Policy

Priority: Other Significant.

Legal Authority: 5 U.S.C. 302; 16 U.S.C. 1604; 16 U.S.C. 1613

CFR Citation: 36 CFR 219.

Legal Deadline: None.

Abstract: The Forest Service issued proposed planning directives on February 27, 2013 (RIN # 0596–AD06), which would provide guidance to agency staff on implementation of the recently revised land management planning regulation at 36 CFR 219 (RIN 0596–AC94) (the ''2012 Planning Rule''), which was effective May 9, 2012. A 60-day period, extended for an additional 15 days, for the public to comment on the proposed directives concluded on May 24, 2013. The proposed directives have been revised, based on public comment, and the agency seeks to publish a Notice of Availability of the final Directives.

The National Forest Management Act (NFMA) requires that the Forest Service develop land management plans for each unit of the National Forest System, and the agency maintain regulations (Planning Rule) that guide the development and content of such plans. In addition to formal regulations, the agency uses its system of directives to provide more detailed guidance on how to meet the requirements of the Planning Rule.

Statement of Need: The existing direction in the Forest Service Manual 1920 and the Forest Service Handbook 1909.12 regarding Land Management Planning needs to be updated to support implementation of the 2012 Planning Rule (36 CFR 219). This brings the planning directives in line with the new planning rule and clarifies substantive and procedural requirements to implement the rule. The updated directives implements a planning framework that fosters collaboration with the public during land management planning, and is science-based, responsive to change, and promotes social, economic, and ecological sustainability.

Summary of Legal Basis: The Forest Service promulgated a new land management planning regulation at 36 CFR 219 (the ''2012 Planning Rule''). The final Planning rule and record of decision was published on April 9, 2012 (77 FR 21162).

Alternatives: The Forest Service finalized the directives to bring the Forest Services' internal directives in-line with the CFR.

Anticipated Cost and Benefits: No new costs to the agency or the public are associated with these directives. The amended directives results in more effective and efficient planning within the Agency's capability.

Risks: There are no risks to the public or to the Forest Service associated with this rulemaking.

Timetable:

Action	Date	FR Cite
Proposed Directive.	02/27/13	78 FR 13316
Comment Period End.	04/29/13	
Final Directive	02/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: LaRenda C. King, Assistant Director, Directives and Regulations, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250–0003, *Phone:* 202 205–6560, *Email: larendacking@fs.fed.us.*

RIN: 0596–AD06

USDA—Rural Business-Cooperative Service (RBS)

Final Rule Stage

27. Rural Energy for America Program

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 7 U.S.C. 8107

CFR Citation: 7 CFR 4280–B.

Legal Deadline: None.

Abstract: The Agency published a proposed rule for the Rural Energy for America Program (REAP) on April 12, 2013 (78 FR 22044). The agency is authorized under section 9007 of the Food, Conservation, and Energy Act of 2008 (as amended by the Agricultural Act of 2014) to provide grants for energy audits and renewable energy development assistance; grants for renewable energy system feasibility studies; and financial assistance for energy efficiency improvements and renewable energy systems. The 2014 Farm Bill directs that at least 20 percent of funds be used for grants of $20,000 or less, and up to 4 percent of mandatory funds for energy audits and Renewable Energy Development Assistance Grants. Eligible entities for energy audits and renewable energy development assistance include units of State, tribal, or local government; an instrumentality of a State, tribal, or local government; land grant or other institutions of higher education; rural electric cooperatives; RCID Councils or public power entities. Eligible entities for financial assistance for energy efficiency improvements and renewable energy systems include agricultural producers and rural small businesses. The agency identified REAP as one of the Department's periodic retrospective review of regulations under Executive Order 13563, and has proposed a tiered application approach that reduces applicant burden for technical reports and streamlines the narrative portion of the application.

Statement of Need: The agency needs to incorporate amendments from the Agricultural Act of 2014. Prior to the Agricultural Act of 2014, the agency modified the program to reduce the applicant burden and improve program delivery. In order to make these changes to 7 CFR 4280, subpart B, a final rule needs to be published.

Summary of Legal Basis: REAP was authorized by the 2002 Farm Bill, and continued by the 2014 Farm Bill which made available $50,000,000 in mandatory funding for 2014, and each year thereafter through 2018, and authorized for appropriations $20,000,000 in discretionary funding for each fiscal year 2014 through 2018. The program provides for grants and guaranteed loans for renewable energy systems and energy efficiency improvements, and grants for energy audit and renewable energy development assistance. The purpose of the program is to reduce the energy consumption and increase renewable energy production.

Alternatives: The alternatives are to: (1) Continue operating the program under the 7 CFR 4280, subpart B as it currently is written; (2) revise 7 CFR 4280, subpart B based on public comments received on the interim rule and issue a final rule.

Anticipated Cost and Benefits: Benefits of the rule may include a reduction in energy consumption, an increase in renewable energy production and reduced burden for certain loan and grant applications.

Risks: There are no associated risks to the public health, safety or the environment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/14/11	76 FR 21109
Interim Final Rule Effective.	04/14/11	
Interim Final Rule Comment Period End.	06/13/11	
NPRM	04/12/13	78 FR 22044
Final Action	11/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Kelley Oehler, Branch Chief, Department of Agriculture, Rural Business–Cooperative Service, STOP 3225, 1400 Independence Avenue SW., Washington, DC 20250–3225, *Phone:* 202 720–6819, *Fax:* 202 720–2213, *Email: kelley.oehler@wdc.usda.gov*.

RIN: 0570–AA76

USDA—RBS

28. Business and Industry (B&I) Guaranteed Loan Program

Priority: Other Significant.

Legal Authority: Consolidated Farm and Rural Development Act

CFR Citation: 7 CFR 4287; 7 CFR 4279.

Legal Deadline: None.

Abstract: The Agency published a proposed rule for the Business and Industry Guaranteed Loan Program on September 15, 2014 (78 FR 22044), which, when finalized, would revise the 1996 B&I regulations. While there have been some minor modifications to the B&I Guaranteed Loan Program regulations since 1996, this action is in response to the implement 2014 Farm Bill provisions and makes needed refinements to the regulation. These changes are design to enhance the program, improve efficiency, correct minor inconsistencies, clarify the regulations, and ultimately reduce delinquencies. The Agency held several lender meetings throughout the country to see how changes to the program could benefit lenders who utilize the program. The proposed changes being considered may result in a lower the subsidy rate. The rule, when finalized, is intended to increase lending activity, expand business opportunities, and create more jobs in rural areas, particularly in areas that have historically experienced economic distress.

Statement of Need: With the passage of the 2014 Farm Bill, there is the need to conform certain portions of the B&I Guaranteed Loan Program regulations with requirements found in the 2014 Farm Bill, such as the addition of cooperative equity security guarantees, the locally and regionally grown agricultural food products initiative, and exceptions to the rural area definition. In addition, with the passage of time, the Agency proposed revisions intended to improve program delivery and administration, leverage program resources, better align the regulation with the program's goals and purposes, clarify the regulations, and reduce delinquencies and defaults. These proposed revisions may also improve program subsidy costs. A reduction in program subsidy costs may increase funding availability for additional projects, further improving the economic conditions of rural America. This may result in increased lending activity, the expansion of business opportunities, and the creation of more jobs in rural areas.

Summary of Legal Basis: Consolidated Farm and Rural Development Act, as amended by the 2008 and 2014 Farm Bill.

Alternatives: The only alternative would be the status quo, which is not an acceptable alternative.

Anticipated Cost and Benefits: The benefits of the proposed rule include a possible reduction in loan losses, a lower subsidy rate, and streamline program delivery. The program changes have a cumulative effect of lowering the program cost; however, the amount of the change in cost cannot be estimated with any reasonable precision.

Risks: There are no associated risks to the public health, safety or the environment.

Timetable:

Action	Date	FR Cite
Proposed Rule	09/15/14	79 FR 55316
Final Rule	09/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Brenda Griffin, Loan Specialist, B&I Processing Division, Department of Agriculture, Rural Business–Cooperative Service, 1400 Independence Avenue SW., Washington, DC 20250, *Phone:* 202 720–6802, *Fax:* 202 720–6003, *Email: brenda.griffin@wdc.usda.gov*.

RIN: 0570–AA85

USDA—RBS

29. • Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 7 U.S.C. 8103

CFR Citation: 7 CFR 4279 subpart C; 7 CFR 4287 subpart D.

Legal Deadline: None.

Abstract: The Biorefinery Assistance Program was authorized under the 2008 Farm Bill. The 2014 Farm Bill continues the authority established by the 2008 Farm Bill but made changes to the program that require revisions to existing regulations. The 2014 Farm Bill changed the program's name to the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program and mandated that the program provide loan guarantees for the development, construction, and retrofitting of commercial-scale biorefineries as well as biobased product manufacturing facilities. Increasing production of homegrown renewable fuels, chemicals, and biobased products has grown; so has the need to develop and produce them. Rural Business—Cooperative Service (RBS) offers opportunities to producers to develop and manufacture such products through the Biorefinery, Renewable Chemical, and Biobased Product Manfacturing Assistance Program. RBS published the Biorefinery Assistance Program proposed rule in the **Federal Register** on April 18, 2010, (75 FR 20044) and an interim rule on February 14, 2011, both with 60-day comment periods. Comments were received from biofuel and bio-products producers, banking and investment institutions, attorneys, and research and development companies. In addition to the program changes required by the 2014 Farm Bill, RBS needs to address the comments received to the February 14, 2011, interim rule. The Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program focuses on accelerating the commercialization of production of advanced biofuels and renewable chemicals, as well as biobased product manufacturing.

Statement of Need: The 2014 Farm Bill made changes to the program that require revisions to the program rule, and RBS needs to address the comments received on the interim rule published on February 14, 2011.

Summary of Legal Basis: The Biorefinery Assistance Program was authorized under the 2008 Farm Bill. The 2014 Farm Bill continues the authority and provides $100 million for the program in fiscal year 2014 and $50 million in both fiscal years 2015 and 2016, of which not more than 15 percent can be used for Biobased Product Manufacturing.

Alternatives: The alternatives are: (1) Implement the Section 9003 provisions of the Farm Bill immediately through publishing a subsequent interim rule. This alternative will require the Department to exercise the Hardin memo exemption to implement the Farm Bill amendments; however, it will also enable Rural Development to respond to the comments received to the interim rule published in 2011 and incorporate updates into the subsequent interim rule. Option 1 is the agency's preferred alternative. (2) Implement the Section 9003 Farm Bill provisions immediately by publishing a final rule. This alternative will also require the Department to exercise the Hardin memo exemption the Farm Bill amendments; however, this alternative precludes stakeholder and public comment to the new rule. (3) Implement the Section 9003 Farm Bill provisions by publishing a proposed rule. This alternative is the Department's traditional rulemaking process and enables public comment, but would delay implementation of the program and utilization of funding into fiscal year 2015 (or beyond) and may increase the risk of a rescission of fiscal year 2014 funds.

Anticipated Cost and Benefits: Benefits include increase in renewable energy/advance biofuel, renewable chemical, and biobased manufacturing.

Risks: There are no associated risks to the public health, safety or the environment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/15	
Interim Final Rule Effective.	04/00/15	
Interim Final Rule Comment Period End.	05/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: None.

Agency Contact: Todd Hubbell, Loan Specialist, Specialty Lenders Division, Department of Agriculture, Rural Business—Cooperative Service, STOP 3225, 1400 Independence Avenue SW., Washington, DC 20250–3225, *Phone:* 202 690–2516, *Email: todd.hubbell@wdc.usda.gov*.

RIN: 0570–AA93

USDA—NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

Final Rule Stage

30. • Agricultural Conservation Easement Program

Priority: Other Significant.

Legal Authority: Pub. L. 113–79

CFR Citation: Not Yet Determined.

Legal Deadline: Other, Statutory, November 4, 2014, 270 days from enactment of Public Law 113–79.

Abstract: The Agricultural Act of 2014 (the 2014 Act) consolidated the Wetlands Reserve Program (WRP), the Farm and Ranch Lands Protection Program (FRPP), and the Grassland Reserve Program (GRP) into a single Agricultural Conservation Easement Program (ACEP). The consolidated easement program has two components—an agricultural land easement component and a wetland reserve easement component. The agricultural land easement component is patterned after the former FRPP with GRP's land eligibility components merged into it. The wetland reserve easement component is patterned after WRP. Land previously enrolled in the three contributing programs is considered enrolled in the new ACEP.

Statement of Need: The Agricultural Act of 2014 (2014 Act) consolidated several of the Title XII (of the Food Security Act of 1985) conservation easement programs and provided for the continued operations of former programs. NRCS is promulgating a consolidated conservation easement regulation to reflect the 2014 Act's consolidation of the WRP, FRPP, and GRP programs.

Summary of Legal Basis: NRCS seeks to publish an interim rule to implement

the consolidated conservation easement program. This regulation action is pursuant to section 1246 of the Food Security Act of 1985, as amended by the 2014 Act, which requires regulations necessary to implement Title II of the 2014 Act through an interim rule with request for comments.

Alternatives: NRCS determined that rulemaking was the appropriate mechanism through which to implement the 2014 Act consolidation of the three source conservation easement programs. Additionally, NRCS determined that the Agency needs standard criteria for implementing the program and program participants need predictability when initiating an application and conveying an easement. The regulation aims to establish a comprehensive framework for working with program participants to implement ACEP. Upon consideration of public comment, NRCS will promulgate final program regulations.

Anticipated Cost and Benefits: The 2014 Act has consolidated three conservation easement programs into a single conservation easement program with two components. The program will be implemented under the general supervision and direction of the Chief of NRCS, who is a Vice President of the Commodity Credit Corporation (CCC). Through ACEP, NRCS will continue to purchase wetland reserve easements directly and will contribute funds to eligible entities for their purchase of agricultural land easements that protect working farm and grazing lands. Participation in the program is voluntary.

The primary benefits associated with this rulemaking are:

- Provides an opportunity for public comment in program regulations.
- Provides a regulatory framework for NRCS to implement a consolidated conservation easement program.
- Provides transparency to the public potential applicants on NRCS program requirements.

The primary costs imposed by this regulation are:

- The costs incurred by private landowners are negative or zero since this is a voluntary program and they are compensated for the rights that they transfer.
- Other costs incurred by society through market changes are localized or negligible.

Risks: N/A.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/14	
Final Rule	07/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Leslie Deavers, Acting Farm Bill Coordinator, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue, Washington, DC 20250, *Phone*: 202 720–5484, *Email: leslie.deavers@wdc.usda.gov*.

RIN: 0578–AA61

USDA—NRCS

31. • Environmental Quality Incentives Program (EQIP) Interim Rule

Priority: Other Significant.

Legal Authority: 15 U.S.C. 714b and 714c; 16 U.S.C. 3839AA–3839–8

CFR Citation: 7 CFR 1466.

Legal Deadline: Other, Statutory, November 4, 2014, 270 days from enactment of Public Law 113–79.

Abstract: NRCS promulgated the current EQIP regulation on January 15, 2009 through an interim rule. The interim rule incorporated programmatic changes authorized by the Food, Conservation, and Energy Act of 2008 (the 2008 Act). NRCS published a correction to the interim rule on March 12, 2009, and an amendment to the interim rule on May 29, 2009. NRCS has implemented EQIP in FY 2009 through FY 2013 under the current regulation. The Agricultural Act of 2014 (2014 Act) amended Chapter 4 of Subtitle D of Title XII of the Food Security Act of 1985 by making the following changes to EQIP program requirements: (1) Eliminates requirement that contract must remain in place for a minimum of 1 year after last practice implemented, but keeps requirement that the contract term is not to exceed 10 years, (2) Consolidates elements of Wildlife Habitat Incentives Program (WHIP), and repeals WHIP authority, (3) Replaces rolling 6-year payment limitation with payment limitation for FY 2014–FY 2018, 4) Requires Conservation Innovation Grants (CIG) reporting no later than December 31, 2014 and every 2 years thereafter, (4) Establishes payment limitation established at $450,000 and eliminates waiver authority, (5) Modifies the special rule for foregone income payments for certain associated management practices and resource concern priorities, (6) Makes advance payments are available up to 50 percent for eligible historically underserved participants to purchase material or contract services instead of the previous 30 percent, (7) Provides flexibility for repayment of advance payment if not expended within 90 days, and (8) Requires that for each fiscal year from of the FY 2014 to FY 2018, at least five percent of available EQIP funds shall be targeted for wildlife related conservation practices. The 2014 Act further identifies EQIP as a contributing program authorized to accomplish the purposes of the Regional Conservation Partnership Program (RCPP) (Subtitle I of Title XII of the Food Security Act of 1985, as amended). RCPP replaces the Agricultural Water Enhancement Program (AWEP), Chesapeake Bay Watershed Program (CBWP), Cooperative Conservation Partnership Initiative (CCPI), and the Great Lakes Basin Program for soil erosion and sediment control. Like the programs it replaces, RCPP will operate through regulations in place for contributing programs. The other contributing programs include the Conservation Stewardship Program, the Healthy Forests Reserve Program, and the new Agricultural Conservation Easement Program (ACEP). NRCS seeks to publish an interim rule to incorporate the 2014 Act changes to EQIP program administration. This regulation action is pursuant to Section 1246 of the Food Security Act of 1985, as amended by section 2608 of the 2014 Act, which requires regulations necessary to implement Title II of the 2014 Act be promulgated through the interim rule process.

Statement of Need: The Agricultural Act of 2014 (the 2014 Act) consolidated several of the Title XII conservation programs and provided for the continued operations of former programs. NRCS is updating the EQIP regulation to incorporate the 2014 Act changes, including consolidation of the purposes formerly addressed through the Wildlife Habitat Incentives Program (WHIP).

Summary of Legal Basis: The 2014 Act has reauthorized and amended the Environmental Quality Incentives Program (EQIP). EQIP was first added to the Food Security Act of 1985 (1985 Act) (16 U.S.C. 3801 *et seq.*) by the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act) (16 U.S.C. 3839aa). The program is implemented under the general supervision and direction of the Chief of NRCS, who is a Vice President of the Commodity Credit Corporation (CCC).

Alternatives: NRCS considered only making the changes mandated by the 2014 Farm Bill. This alternative would have missed opportunities to improve the implementation of the program.

Anticipated Cost and Benefits: Through EQIP, NRCS provides assistance to farmers and ranchers to

conserve and enhance soil, water, air, and related natural resources on their land. Eligible lands include cropland, grassland, rangeland, pasture, wetlands, nonindustrial private forest land, and other agricultural land on which agricultural or forest-related products, or livestock are produced and natural resource concerns may be addressed. Participation in the program is voluntary.

The primary benefits associated with this rulemaking are:

• Provides continued consistency for the NRCS to implement EQIP.

• Provides transparency to potential applicants on NRCS program requirements.

The primary costs imposed by this regulation:

• All program participants must follow the same requirements, even though they are very different types of agricultural operations in different resource contexts.

• Most program participants are required to contribute at least 25 percent of the resources needed to implement program practices. However, such costs are standard for such financial assistance programs.

Risks: N/A.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/14	
Final Rule	07/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 0578–AA62

USDA—NRCS

32. Conservation Stewardship Program Interim Rule

Priority: Other Significant.

Legal Authority: 16 U.S.C. 3838d to 3838g.

CFR Citation: 7 CFR 1470.

Legal Deadline: None.

Abstract: NRCS seeks to publish an interim rule to incorporate the 2014 Act changes to Conservation Stewardship Program (CSP) program administration. This regulation action is pursuant to Section 1246 of the Food Security Act of 1985, as amended by the 2014 Act, which requires regulations necessary to implement Title II of the 2014 Act through an interim rule with request for comments. Background: The Food, Conservation, and Energy Act of 2008 Act (2008 Act) amended the Food Security Act of 1985 (1985 Act) to establish CSP and authorize the program in fiscal years 2009 through 2013. The Agriculture Act of 2014 (the 2014 Act) re-authorizes and revises CSP. The purpose of CSP is to encourage producers to address priority resource concerns and improve and conserve the quality and condition of the natural resources in a comprehensive manner by: (1) Undertaking additional conservation activities; and (2) improving, maintaining, and managing existing conservation activities. The Secretary of Agriculture delegated authority to the Chief, Natural Resources Conservation Service (NRCS), to administer CSP. Through CSP, NRCS provides financial and technical assistance to eligible producers to conserve and enhance soil, water, air, and related natural resources on their land. Eligible lands include private or tribal cropland, grassland, pastureland, rangeland, non-industrial private forest lands and other land in agricultural areas (including cropped woodland, marshes, and agricultural land or capable of being used for the production of livestock) on which resource concerns related to agricultural production could be addressed. Participation in the program is voluntary. CSP encourages land stewards to improve their conservation performance by installing and adopting additional activities, and improving, maintaining, and managing existing activities on eligible land. NRCS makes funding for CSP available nationwide on a continuous application basis.

Statement of Need: The Agricultural Act of 2014 (the 2014 Act) amended several of the Title XII conservation programs and provided for the continued operations of former programs. NRCS is updating the CSP regulation to incorporate the 2014 Act changes.

Summary of Legal Basis: The 2014 Act has reauthorized and amended the Conservation Stewardship Program (CSP). CSP was first added to the Food Security Act of 1985 (1985 Act) (16 U.S.C. 3801 *et seq.*) by the Food, Conservation, and Energy Act of 2008. The program is implemented under the general supervision and direction of the Chief of NRCS, who is a Vice President of the Commodity Credit Corporation (CCC).

Alternatives: NRCS considered only making the changes mandated by the 2014 Farm Bill. This alternative would have missed opportunities to improve the implementation of the program. NRCS would consider alternatives suggested during the public comment period.

Anticipated Cost and Benefits: CSP is a voluntary program that encourages agricultural and forestry producers to address priority resource concerns by: (1) Undertaking additional conservation activities, and (2) improving and maintaining existing conservation systems. CSP provides financial and technical assistance to help land stewards conserve and enhance soil, water, air, and related natural resources on their land.

CSP is available to all producers, regardless of operation size or crops produced, in all 50 States, the District of Columbia, and the Caribbean and Pacific Island areas. Eligible lands include cropland, grassland, prairie land, improved pastureland, rangeland, nonindustrial private forest land, and agricultural land under the jurisdiction of an Indian tribe. Applicants may include individuals, legal entities, joint operations, or Indian tribes.

CSP pays participants for conservation performance the higher the performance, the higher the payment. It provides two possible types of payments. An annual payment is available for installing new conservation activities and maintaining existing practices. A supplemental payment is available to participants who also adopt a resource conserving crop rotation.

Through five-year contracts, NRCS makes payments as soon as practical after October 1 of each fiscal year for contract activities installed and maintained in the previous year. A person or legal entity may have more than one CSP contract but, for all CSP contracts combined, may not receive more than $40,000 in any year or more than $200,000 during any five-year period.

The primary benefits associated with this rulemaking are:

• Provides continued consistency for the NRCS to implement CSP.

• Provides transparency to potential applicants on NRCS program requirements.

The primary costs imposed by this regulation are that all program participants must follow the same basic programmatic requirements, even though they are very different types of agricultural operations in different resource contexts.

The 2014 Act further identifies CSP as a contributing program authorized to accomplish the purposes of the Regional Conservation Partnership Program

(RCPP) (subtitle I of title XII of the Food Security Act of 1985, as amended). RCPP replaces the Agricultural Water Enhancement Program (AWEP), Chesapeake Bay Watershed Program (CBWP), Cooperative Conservation Partnership Initiative (CCPI), and the Great Lakes Basin Program for soil erosion and sediment control. Like the programs it replaces, RCPP will operate through regulations in place for contributing programs. The other contributing programs include the Environmental Quality Incentives Program, the Healthy Forests Reserve Program, and the new Agricultural Conservation Easement Program (ACEP).

Risks: N/A.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/05/14	79 FR 65835
Interim Final Rule Effective.	11/05/14	
Interim Final Rule Comment Period End.	01/05/15	
Final Rule	07/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 0578–AA63

BILLING CODE 3410–90–S

DEPARTMENT OF COMMERCE (DOC)

Statement of Regulatory and Deregulatory Priorities

Established in 1903, the Department of Commerce (Commerce) is one of the oldest Cabinet-level agencies in the Federal Government. Commerce's mission is to create the conditions for economic growth and opportunity by promoting innovation, entrepreneurship, competitiveness, and environmental stewardship. Commerce has 12 operating units, which are responsible for managing a diverse portfolio of programs and services, ranging from trade promotion and economic development assistance to broadband and the National Weather Service.

Commerce touches Americans daily, in many ways—making possible the daily weather reports and survey research; facilitating technology that all of us use in the workplace and in the home each day; supporting the development, gathering, and transmission of information essential to competitive business; enabling the diversity of companies and goods found in America's and the world's marketplace; and supporting environmental and economic health for the communities in which Americans live.

Commerce has a clear and compelling vision for itself, for its role in the Federal Government, and for its roles supporting the American people, now and in the future. To achieve this vision, Commerce works in partnership with businesses, universities, communities, and workers to:

- Innovate by creating new ideas through cutting-edge science and technology from advances in nanotechnology, to ocean exploration, to broadband deployment, and by protecting American innovations through the patent and trademark system;
- Support entrepreneurship and commercialization by enabling community development and strengthening minority businesses and small manufacturers;
- Maintain U.S. economic competitiveness in the global marketplace by promoting exports, ensuring a level playing field for U.S. businesses, and ensuring that technology transfer is consistent with our nation's economic and security interests;
- Provide effective management and stewardship of our nation's resources and assets to ensure sustainable economic opportunities; and
- Make informed policy decisions and enable better understanding of the economy by providing accurate economic and demographic data.

Commerce is a vital resource base, a tireless advocate, and Cabinet-level voice for job creation.

The Regulatory Plan tracks the most important regulations that implement these policy and program priorities, several of which involve regulation of the private sector by Commerce.

Responding to the Administration's Regulatory Philosophy and Principles

The vast majority of the Commerce's programs and activities do not involve regulation. Of Commerce's 12 primary operating units, only the National Oceanic and Atmospheric Administration (NOAA) will be planning actions that are considered the ''most important'' significant preregulatory or regulatory actions for FY 2015. During the next year, NOAA plans to publish five rulemaking actions that are designated as Regulatory Plan actions. The Bureau of Industry and Security (BIS) may also publish rulemaking actions designated as Regulatory Plan actions. Further information on these actions is provided below.

Commerce has a long-standing policy to prohibit the issuance of any regulation that discriminates on the basis of race, religion, gender, or any other suspect category and requires that all regulations be written so as to be understandable to those affected by them. The Secretary also requires that Commerce afford the public the maximum possible opportunity to participate in Departmental rulemakings, even where public participation is not required by law.

National Oceanic and Atmospheric Administration

NOAA establishes and administers Federal policy for the conservation and management of the Nation's oceanic, coastal, and atmospheric resources. It provides a variety of essential environmental and climate services vital to public safety and to the Nation's economy, such as weather forecasts, drought forecasts, and storm warnings. It is a source of objective information on the state of the environment. NOAA plays the lead role in achieving Commerce's goal of promoting stewardship by providing assessments of the global environment.

Recognizing that economic growth must go hand-in-hand with environmental stewardship, Commerce, through NOAA, conducts programs designed to provide a better understanding of the connections between environmental health, economics, and national security. Commerce's emphasis on ''sustainable fisheries'' is designed to boost long-term economic growth in a vital sector of the U.S. economy while conserving the resources in the public trust and minimizing any economic dislocation necessary to ensure long-term economic growth. Commerce is where business and environmental interests intersect, and the classic debate on the use of natural resources is transformed into a ''win-win'' situation for the environment and the economy.

Three of NOAA's major components, the National Marine Fisheries Services (NMFS), the National Ocean Service (NOS), and the National Environmental Satellite, Data, and Information Service (NESDIS), exercise regulatory authority.

NMFS oversees the management and conservation of the Nation's marine

fisheries, protects threatened and endangered marine and anadromous species and marine mammals, and promotes economic development of the U.S. fishing industry. NOS assists the coastal States in their management of land and ocean resources in their coastal zones, including estuarine research reserves; manages the national marine sanctuaries; monitors marine pollution; and directs the national program for deep-seabed minerals and ocean thermal energy. NESDIS administers the civilian weather satellite program and licenses private organizations to operate commercial land-remote sensing satellite systems.

Commerce, through NOAA, has a unique role in promoting stewardship of the global environment through effective management of the Nation's marine and coastal resources and in monitoring and predicting changes in the Earth's environment, thus linking trade, development, and technology with environmental issues. NOAA has the primary Federal responsibility for providing sound scientific observations, assessments, and forecasts of environmental phenomena on which resource management, adaptation, and other societal decisions can be made.

In the environmental stewardship area, NOAA's goals include: Rebuilding and maintaining strong U.S. fisheries by using market-based tools and ecosystem approaches to management; increasing the populations of depleted, threatened, or endangered species and marine mammals by implementing recovery plans that provide for their recovery while still allowing for economic and recreational opportunities; promoting healthy coastal ecosystems by ensuring that economic development is managed in ways that maintain biodiversity and long-term productivity for sustained use; and modernizing navigation and positioning services. In the environmental assessment and prediction area, goals include: Understanding climate change science and impacts, and communicating that understanding to government and private sector stakeholders enabling them to adapt; continually improving the National Weather Service; implementing reliable seasonal and interannual climate forecasts to guide economic planning; providing science-based policy advice on options to deal with very long-term (decadal to centennial) changes in the environment; and advancing and improving short-term warning and forecast services for the entire environment.

Magnuson-Stevens Fishery Conservation and Management Act

Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) rulemakings concern the conservation and management of fishery resources in the U.S. Exclusive Economic Zone (generally 3–200 nautical miles). Among the several hundred rulemakings that NOAA plans to issue in FY 2015, a number of the preregulatory and regulatory actions will be significant. The exact number of such rulemakings is unknown, since they are usually initiated by the actions of eight regional Fishery Management Councils (FMCs) that are responsible for preparing fishery management plans (FMPs) and FMP amendments, and for drafting implementing regulations for each managed fishery. NOAA issues regulations to implement FMPs and FMP amendments. Once a rulemaking is triggered by an FMC, the Magnuson-Stevens Act places stringent deadlines upon NOAA by which it must exercise its rulemaking responsibilities. FMPs and FMP amendments for Atlantic highly migratory species, such as bluefin tuna, swordfish, and sharks, are developed directly by NOAA, not by FMCs.

FMPs address a variety of issues including maximizing fishing opportunities on healthy stocks, rebuilding overfished stocks, and addressing gear conflicts. One of the problems that FMPs may address is preventing overcapitalization (preventing excess fishing capacity) of fisheries. This may be resolved by market-based systems such as catch shares, which permit shareholders to harvest a quantity of fish and which can be traded on the open market. Harvest limits based on the best available scientific information, whether as a total fishing limit for a species in a fishery or as a share assigned to each vessel participant, enable stressed stocks to rebuild. Other measures include staggering fishing seasons or limiting gear types to avoid gear conflicts on the fishing grounds and establishing seasonal and area closures to protect fishery stocks.

The FMCs provide a forum for public debate and, using the best scientific information available, make the judgments needed to determine optimum yield on a fishery-by-fishery basis. Optional management measures are examined and selected in accordance with the national standards set forth in the Magnuson-Stevens Act. This process, including the selection of the preferred management measures, constitutes the development, in simplified form, of an FMP. The FMP, together with draft implementing regulations and supporting documentation, is submitted to NMFS for review against the national standards set forth in the Magnuson-Stevens Act, in other provisions of the Act, and other applicable laws. The same process applies to amending an existing approved FMP.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) provides the authority for the conservation and management of marine mammals under U.S. jurisdiction. It expressly prohibits, with certain exceptions, the take of marine mammals. The MMPA allows NMFS to permit the collection of wild animals for scientific research or public display or to enhance the survival of a species or stock. NMFS initiates rulemakings under the MMPA to establish a management regime to reduce marine mammal mortalities and injuries as a result of interactions with fisheries. The MMPA also established the Marine Mammal Commission, which makes recommendations to the Secretaries of the Departments of Commerce and the Interior and other Federal officials on protecting and conserving marine mammals. The Act underwent significant changes in 1994 to allow for takings incidental to commercial fishing operations, to provide certain exemptions for subsistence and scientific uses, and to require the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction.

Endangered Species Act

The Endangered Species Act of 1973 (ESA) provides for the conservation of species that are determined to be ''endangered'' or ''threatened,'' and the conservation of the ecosystems on which these species depend. The ESA authorizes both NMFS and the Fish and Wildlife Service (FWS) to jointly administer the provisions of the MMPA. NMFS manages marine and ''anadromous'' species, and FWS manages land and freshwater species. Together, NMFS and FWS work to protect critically imperiled species from extinction. Of the approximately 1,300 listed species found in part or entirely in the United States and its waters, NMFS has jurisdiction over approximately 60 species. NMFS' rulemaking actions are focused on determining whether any species under its responsibility is an endangered or threatened species and whether those species must be added to the list of

protected species. NMFS is also responsible for designating, reviewing, and revising critical habitat for any listed species. In addition, under the ESA's procedural framework, Federal agencies consult with NMFS on any proposed action authorized, funded, or carried out by that agency that may affect one of the listed species or designated critical habitat, or is likely to jeopardize proposed species or adversely modify proposed critical habitat that is under NMFS' jurisdiction.

NOAA's Regulatory Plan Actions

While most of the rulemakings undertaken by NOAA do not rise to the level necessary to be included in Commerce's regulatory plan, NMFS is undertaking five actions that rise to the level of ''most important'' of Commerce's significant regulatory actions and thus are included in this year's regulatory plan. A description of the five regulatory plan actions is provided below.

1. Revisions to the General section and Standards 1, 3, and 7 of the National Standard Guidelines (0648–BB92): This action would propose revisions to the National Standard 1 (NS1) guidelines. National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act states that ''conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.'' The National Marine Fisheries Service last revised the NS1 Guidelines in 2009 to reflect the requirements enacted by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 for annual catch limits and accountability measures to end and prevent overfishing. Since 2007, the National Marine Fisheries Service (NMFS) and the Regional Fishery Management Councils have been implementing the new annual catch limit and accountability measures requirements. Based on experience gained from implementing annual catch limits and accountability measures, NMFS has developed new perspectives and identified issues regarding the application of the NS1 guidelines that may warrant them to be revised to more fully meet the intended goal of preventing overfishing while achieving, on a continuing basis, the optimum yield from each fishery. The focus of this action is to improve the NS1 guidelines.

2. Proposed Rule To Designate Critical Habitat for North Atlantic Right Whale (0648–AY54): The National Marine Fisheries Service (NMFS) proposes to revise critical habitat for the North Atlantic right whale. This proposal would modify the critical habitat previously designated in 1994.

3. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico (0648–AS65): The purpose of this fishery management plan is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf of Mexico exclusive economic zone. This fishery management plan consists of ten actions, each with an associated range of management alternatives, which would facilitate the permitting of an estimated 5 to 20 offshore aquaculture operations in the Gulf of Mexico over the next 10 years, with an estimated annual production of up to 64 million pounds. By establishing a regional permitting process for aquaculture, the Gulf of Mexico Fishery Management Council will be positioned to achieve their primary goal of increasing maximum sustainable yield and optimum yield of federal fisheries in the Gulf of Mexico by supplementing harvest of wild caught species with cultured product. This rulemaking would outline a regulatory permitting process for aquaculture in the Gulf of Mexico, including: (1) Required permits; (2) duration of permits; (3) species allowed; (4) designation of sites for aquaculture; (5) reporting requirements; and (6) regulations to aid in enforcement.

4. Requirements for Importation of Fish and Fish Products Under the U.S. Marine Mammal Protection Act (0648–AY15): With this action, the National Marine Fisheries Service is developing procedures to implement the provisions of section 101(a)(2) of the Marine Mammal Protection Act for imports of fish and fish products. Those provisions require the Secretary of Treasury to ban imports of fish and fish products from fisheries with bycatch of marine mammals in excess of U.S. standards. The provisions further require the Secretary of Commerce to insist on reasonable proof from exporting nations of the effects on marine mammals of bycatch incidental to fisheries that harvest the fish and fish products to be imported.

5. Revised Proposed Rule To Designate Critical Habitat for the Hawaiian Monk Seal (0648–BA81): The National Marine Fisheries Service (NMFS) is developing a rule to designate critical habitat for the Hawaiian monk seal in the main and Northwestern Hawaiian Islands. In response to a 2008 petition from the Center for Biological Diversity, Kahea, and the Ocean Conservancy to revise Hawaiian monk seal critical habitat, NMFS published a proposed rule in June 2011 to revise Hawaiian monk seal critical habitat by adding critical habitat in the main Hawaiian Islands and extending critical habitat in the Northwestern Hawaiian Islands. Proposed critical habitat includes both marine and terrestrial habitats (*e.g.,* foraging areas to 500 meter depth, pupping beaches, etc.). To address public comments on the proposed rule, NOAA Fisheries is augmenting its prior economic analysis to better describe the anticipated costs of the designation. NOAA Fisheries is analyzing new tracking data to assess monk seal habitat use in the main Hawaiian Islands.

At this time, NOAA is unable to determine the aggregate cost of the identified Regulatory Plan actions as several of these actions are currently under development.

Bureau of Industry and Security

The Bureau of Industry and Security (BIS) advances U.S. national security, foreign policy, and economic objectives by maintaining and strengthening adaptable, efficient, and effective export control and treaty compliance systems as well as by administering programs to prioritize certain contracts to promote the national defense and to protect and enhance the defense industrial base.

In August 2009, the President directed a broad-based interagency review of the U.S. export control system with the goal of strengthening national security and the competitiveness of key U.S. manufacturing and technology sectors by focusing on the current threats and adapting to the changing economic and technological landscape. In August 2010, the President outlined an approach under which agencies that administer export controls will apply new criteria for determining what items need to be controlled and a common set of policies for determining when an export license is required. The control list criteria are to be based on transparent rules, which will reduce the uncertainty faced by our Allies, U.S. industry and its foreign customers, and will allow the Government to erect higher walls around the most sensitive export items in order to enhance national security.

Under the President's approach, agencies will apply the criteria and revise the lists of munitions and dual-use items that are controlled for export so that they:

Distinguish the types of items that should be subject to stricter or more

permissive levels of control for different destinations, end-uses, and end-users;

Create a ''bright line'' between the two current control lists to clarify jurisdictional determinations and reduce Government and industry uncertainty about whether particular items are subject to the control of the State Department or the Commerce Department; and

Are structurally aligned so that they potentially can be combined into a single list of controlled items.

BIS' current regulatory plan action is designed to implement the initial phase of the President's directive, which will add to BIS' export control purview, military related items that the President determines no longer warrant control under rules administered by the State Department.

Major Programs and Activities

BIS administers four sets of regulations. The Export Administration Regulations (EAR) regulate exports and reexports to protect national security, foreign policy, and short supply interests. The EAR also regulates participation of U.S. persons in certain boycotts administered by foreign Governments. The National Defense Industrial Base Regulations provide for prioritization of certain contracts and allocations of resources to promote the national defense, require reporting of foreign Government-imposed offsets in defense sales, and address the effect of imports on the defense industrial base. The Chemical Weapons Convention Regulations implement declaration, reporting, and on-site inspection requirements in the private sector necessary to meet United States treaty obligations under the Chemical Weapons Convention treaty. The Additional Protocol Regulations implement similar requirements with respect to an agreement between the United States and the International Atomic Energy Agency.

BIS also has an enforcement component with nine offices with enforcement responsibilities covering the United States. BIS export control officers are also stationed at several U.S. embassies and consulates abroad. BIS works with other U.S. Government agencies to promote coordinated U.S. Government efforts in export controls and other programs. BIS participates in U.S. Government efforts to strengthen multilateral export control regimes and to promote effective export controls through cooperation with other Governments.

BIS' Regulatory Plan Actions

As the agency responsible for leading the administration and enforcement of U.S. export controls on dual-use and other items warranting controls but not under the provisions of export control regulations administered by other departments, BIS plays a central role in the Administration's efforts to fundamentally reform the export control system. Changing what we control, how we control it and how we enforce and manage our controls will help strengthen our national security by focusing our efforts on controlling the most critical products and technologies, and by enhancing the competitiveness of key U.S. manufacturing and technology sectors.

In FY 2011, BIS took several steps to implement the President's Export Control Reform Initiative (ECRI). BIS published a final rule (76 FR 35275, June 16, 2011) implementing a license exception that authorizes exports, reexports and transfers to destinations that do not pose a national security concern, provided certain safeguards against diversion to other destinations are taken. BIS also proposed several rules to control under the EAR items that the President has determined do not warrant control under the International Traffic in Arms Regulations (ITAR), administered by the Department of State rule (76 FR 41957), and its United States Munitions List (USML).

In FY 2012, BIS followed up on its FY 2011 successes with the ECRI and proposed rules that would move items currently controlled in nine categories of the USML to control under the Commerce Control List (CCL), administered by BIS. In addition, BIS proposed a rule to ease the implementation process for transitioning items and re-proposed a revised key definition from the July 15 Rule, ''specially designed,'' that had received extensive public comment. In FY 2013, after State Department notification to Congress of the transfer of items from the USML, BIS expects to be able to publish a final rule incorporating many of the proposed changes and revisions based on public responses to the proposals.

In FY 2013, BIS activities crossed an important milestone with publication of two final rules that began to put ECRI policies into place. An Initial Implementation rule (73 FR 22660, April 16, 2013) sets in place the structure under which items the President determines no longer warrant control on the United States Munitions List will be controlled on the Commerce Control List. It also revises license exceptions and regulatory definitions, including the definition of ''specially designed'' to more make those exceptions and definitions clearer and to more close align them with the International Traffic in Arms Regulations, and adds to the CCL certain military aircraft, gas turbine engines and related items. A second final rule (78 FR 40892, July 8 2012) followed on by adding to the CCL military vehicles, vessels of war submersible vessels, and auxiliary military equipment that President determined no longer warrant control on the USML.

In FY 2014, BIS continued its emphasis on the ECRI by publishing three final rules adding to the Commerce Control List, items the President determined no long warrant control on the United States Munitions List (including a rule returning jurisdiction over Commercial Satellites to the Department of Commerce), as follows:

January 2—Control of Military Training Equipment, Energetic Materials, Personal Protective Equipment, Shelters, Articles Related to Launch Vehicles, Missiles, Rockets, Military Explosives and Related Items;

May 13—Revisions to the Export Administration Regulations (EAR): Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML); and

July 1—Revisions to the Export Administration Regulations (EAR): Control of Military Electronic Equipment and Other Items the President Determines No Longer Warrant Control Under the United States Munitions List

BIS expects to publish additional ECRI final rules in FY 2015.

Promoting International Regulatory Cooperation

As the President noted in Executive Order 13609, ''international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting'' public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation. Accordingly, in EO 13609, the President requires each executive agency to include in its Regulatory Plan a summary of its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

The Department of Commerce engages with numerous international bodies in

various forums to promote the Department's priorities and foster regulations that do not ''impair the ability of American business to export and compete internationally.'' EO 13609(a). For example, the United States Patent and Trademark Office is working with the European Patent Office to develop a new classification system for both offices' use. The Bureau of Industry and Security, along with the Department of State and Department of Defense, engages with other countries in the Wassenaar Arrangement, through which the international community develops a common list of items that should be subject to export controls because they are conventional arms or items that have both military and civil uses. Other multilateral export control regimes include the Missile Technology Control Regime, the Nuclear Suppliers Group, and the Australia Group, which lists items controlled for chemical and biological weapon nonproliferation purposes. In addition, the National Oceanic and Atmospheric Administration works with other countries' regulatory bodies through regional fishery management organizations to develop fair and internationally-agreed-to fishery standards for the High Seas.

BIS is also engaged, in partnership with the Departments of State and Defense, in revising the regulatory framework for export control, through the President's Export Control Reform Initiative (ECRI). Through this effort, the United States Government is moving certain items currently controlled by the United States Military List (USML) to the Commerce Control List (CCL) in BIS' Export Administration Regulations. The objective of ECRI is to improve interoperability of U.S. military forces with those of allied countries, strengthen the U.S. industrial base by, among other things, reducing incentives for foreign manufacturers to design out and avoid U.S.-origin content and services, and allow export control officials to focus Government resources on transactions that pose greater concern. Once fully implemented, the new export control framework also will benefit companies in the United States seeking to export items through more flexible and less burdensome export controls.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the Department has identified several rulemakings as being associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Accordingly, the Agency is reviewing these rules to determine whether action under E.O. 13563 is appropriate. Some of these entries on this list may be completed actions, which do not appear in *The Regulatory Plan.* However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on *Reginfo.gov* in the Completed Actions section for the Agency. These rulemakings can also be found on *Regulations.gov.* The final Agency retrospective analysis plan can be found at: *http://open.commerce.gov/sites/default/files/Commerce%20Plan%20for%20Retrospective%20Analysis%20of%20Existing%20Rules%20-%202011–08–22%20Final.pdf*

DOC—National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

33. Requirements for Importation of Fish and Fish Product Under the U.S. Marine Mammal Protection Act

Priority: Other Significant.

Legal Authority: 16 U.S.C. 1371 *et seq.*

CFR Citation: 50 CFR 216.

Legal Deadline: None.

Abstract: With this action, NMFS is developing procedures to implement the provisions of section 101(a)(2) of the Marine Mammal Protection Act for imports of fish and fish products. Those provisions require the Secretary of Treasury to ban imports of fish and fish products from fisheries with bycatch of marine mammals in excess of U.S. standards. The provisions further require the Secretary of Commerce to insist on reasonable proof from exporting nations of the effects on marine mammals of bycatch incidental to fisheries that harvest the fish and fish products to be imported. Implementation of this rule may have trade implications. However, the impacts will be limited primarily to foreign entities, with no anticipated impacts to U.S. fishermen.

Statement of Need: The Marine Mammal Protection Act requires that the United States prohibit imports of fish caught in a manner that results in bycatch of marine mammals in excess of U.S. standards.

Summary of Legal Basis: Marine Mammal Protection Act.

Alternatives: An alternative to this rulemaking that would facilitate marine mammal conservation overseas would be through cooperation and assistance programs. While the U.S. has developed effective bycatch mitigation techniques and applied these in many fisheries, there is no guarantee that these methods will be freely adopted in foreign fisheries. Technical and financial assistance for the development and implementation of marine mammal bycatch mitigation measures would not be precluded by this rulemaking, but market access incentives will increase the likelihood of action by harvesting nations exporting to the U.S.

Anticipated Cost and Benefits: Potential benefits of this rulemaking include: an incentive for exporting nations to adopt and implement marine mammal conservation standards comparable to the U.S. as a condition for access to the U.S. seafood market, establishing a review process for determining the effectiveness of mitigation measures adopted by foreign nations; decreasing the likelihood that marine mammal stocks will be further depleted; and increasing the availability of information on marine mammal distribution and abundance and the threats posed by fisheries interactions. Anticipated costs include: increased administrative costs of monitoring trade and making determinations about foreign fisheries bycatch of marine mammals; increased costs on seafood importers related to certifying import eligibility, and increased requests for international cooperation and assistance and attendant costs to implement mitigation measures.

Risks: Prohibiting imports from seafood exporting nations that cause bycatch of marine mammals in excess of U.S. standards will diminish the risk of further declines in marine mammal stocks that are affected by foreign fisheries.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/10	75 FR 22731
Reopening ANPR comment period.	07/01/10	75 FR 38070
NPRM	02/00/15	
Final Action	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Rodney Mcinnis, Director, Office of International Affairs, Department of Commerce, National Oceanic and Atmospheric

Administration, 1315 East–West Hwy, Silver Spring, MD 20910, Phone: 562 980–4005, *Email: rod.mcinnis@noaa.gov.*

Related RIN: Related to 0648–AX36

RIN: 0648–AY15

DOC—NOAA

34. Designation of Critical Habitat for the North Atlantic Right Whale

Priority: Other Significant.

Legal Authority: 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 1531 to 1543.

CFR Citation: 50 CFR 226; 50 CFR 229.

Legal Deadline: None.

Abstract: National Marine Fisheries Service proposes to revise critical habitat for the North Atlantic right whale. This proposal would result in modifying the critical habitat that was designated in 1994.

Statement of Need: Under section 4 of the Endangered Species Act, NOAA Fisheries is required to designate critical habitat for newly listed species and revise as new information becomes available.

Summary of Legal Basis: Endangered Species Act

Alternatives: Critical habitat is defined 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. In developing this rule, NOAA Fisheries is analyzing best available information regarding where these areas occur and performing economic impact analysis to inform designation.

Anticipated Cost and Benefits: Because this rule is presently in the beginning stages of development, no analysis has been completed at this time to assess costs and benefits.

Risks: Loss of critical habitat for a species listed as protected under the ESA and Marine Mammals Protection Act, as well as potential loss of right whales due to habitat loss.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East–West Highway, Silver Spring, MD 20910, Phone: 301 713–2322.

RIN: 0648–AY54

DOC—NOAA

35. Revision of Hawaiian Monk Seal Critical Habitat

Priority: Other Significant.

Legal Authority: 16 U.S.C. 1533

CFR Citation: 50 CFR 226.

Legal Deadline: None.

Abstract: National Oceanic and Atmospheric Administration (NOAA) Fisheries is developing a revised proposed rule to designate critical habitat for the Hawaiian monk seal in the main and Northwestern Hawaiian Islands. In response to a 2008 petition from the Center for Biological Diversity, Kahea, and the Ocean Conservancy to revise Hawaiian monk seal critical habitat, NOAA Fisheries published a proposed rule in June 2011 to revise Hawaiian monk seal critical habitat by adding critical habitat in the main Hawaiian Islands and extending critical habitat in the Northwestern Hawaiian Islands. Proposed critical habitat includes both marine and terrestrial habitats (*e.g.,* foraging areas to 500 meter depth, pupping beaches, etc.). To address public comments on the proposed rule, NOAA Fisheries is augmenting its prior economic analysis to better describe the anticipated costs of the designation. NOAA Fisheries is analyzing new tracking data to assess monk seal habitat use in the main Hawaiian Islands.

Statement of Need: Hawaiian monk seal critical habitat was last designated in 1988. Since the 1988 designation, new information regarding Hawaiian monk seal habitat use has become available. A revision to this designation would allow NMFS to more accurately define those features and areas that are important to support Hawaiian monk seal conservation by modifying existing critical habitat in the Northwestern Hawaiian Islands and proposing critical habitat in the main Hawaiian Islands. NMFS published a proposed rule to designate critical habitat in 2011. The agency has made changes to the 2011 proposed rule in response to public comment, and now plans to release a second, revised proposed rule to provide an opportunity for the public to comment on these changes.

Summary of Legal Basis: Endangered Species Act.

Alternatives: In the 2011 proposed rule, NMFS considered the alternative of not revising critical habitat for the Hawaiian monk seal, the alternative of designating all potential critical habitat areas, and the alternative of designating a subset of all potential critical habitat areas, excluding those areas where the benefits of exclusion outweigh the benefits of designation in accordance with 4(b)(2) of the Endangered Species Act. Under the preferred alternative NMFS proposed for designation 10 specific areas in the Northwestern Hawaiian Islands and 6 specific areas in the main Hawaiian Islands which support terrestrial pupping and haul-out areas as well as marine foraging areas. Within four of the main Hawaiian Islands specific areas, NMFS proposed exclusions to reduce the impacts to national security.

Anticipated Cost and Benefits: The economic analysis is currently being revised to reflect changes in response to public comments received. The primary benefit of designation is the protection afforded under section 7 of the Endangered Species Act, requiring all Federal agencies to insure their actions are not likely to destroy or adversely modify designated critical habitat. In addition to these protections, the designation may also result in other forms of benefits including, but not limited to: Educational awareness and outreach benefits, benefits to tourism and recreation, and improved or sustained habitat quality. The designation of critical habitat typically does not impose additional costs in occupied habitat, where Federal agencies are already required to consult with NMFS as a consequence of the listed species being present. However, in unoccupied habitat the rule may impose administrative costs on Federal agencies as well as costs on Federal agencies and third parties stemming from project modifications to mitigate impacts to critical habitat.

Risks: The Endangered Species Act requires designation of critical habitat following the listing of a species. If critical habitat is not designated, the species will not be protected to the extent provided for in the Endangered Species Act, posing a risk to the species continued existence and recovery.

Timetable:

Action	Date	FR Cite
NPRM	06/02/11	76 FR 32026

Action	Date	FR Cite
Notice of Public Meetings.	07/14/11	76 FR 41446
Other	06/25/12	77 FR 37867
Second NPRM	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

Related RIN: Related to 0648–AX23

RIN: 0648–BA81

DOC—NOAA

36. Revision of the National Standard 1 Guidelines

Priority: Other Significant.

Legal Authority: 16 U.S.C. 1801 *et seq.;* Pub. L. 94–265.

CFR Citation: 50 CFR 600.

Legal Deadline: None.

Abstract: This action would propose revisions to the National Standard 1 (NS1) guidelines. National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry. National Oceanic and Atmospheric Administration Fisheries last revised the NS1 Guidelines in 2009 to reflect the requirements enacted by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 for annual catch limits and accountability measures to end and prevent overfishing. Since 2007, the National Marine Fisheries Service and the Regional Fishery Management Councils have been implementing the new annual catch limit and accountability measures requirements. Based on experience gained from implementing annual catch limits and accountability measures, NMFS has developed new perspectives and identified issues regarding the application of the NS1 guidelines that may warrant them to be revised to more fully meet the intended goal of preventing overfishing while achieving, on a continuing basis, the optimum yield from each fishery. The focus of this action is to improve the NS1 guidelines.

Statement of Need: Since 2007, fisheries management within the U.S. has experienced many changes, in particular the implementation of annual catch limits and accountability measures under all fishery management plans. Based on this experience, the NMFS believes the National Standard guidelines can be improved to enhance the utility of the guidelines for managers and the public. The objective of the proposed revisions is to improve and streamline the guidelines, address concerns raised during the implementation of annual catch limits and accountability measures, and provide flexibility within current statutory limits to address fishery management issues.

Summary of Legal Basis: Magnuson-Stevens Fishery Conservation and Management Act.

Alternatives: The rule attempts to improve fisheries management by proposing alternatives that clarify guidance in the following topic areas: (1) Identifying fishery management objectives; (2) identifying whether stocks require conservation and management; (3) managing data limited stocks; (4) stock complexes; (5) aggregate maximum sustainable yield estimates; (6) depleted stocks; (7) multi-year overfishing determinations; (8) optimum yield; (9) acceptable biological catch control rules; (10) accountability measures; (11) establishing annual catch limits and accountability measures mechanisms in Fishery Management Plans; and (12) flexibility in rebuilding stocks.

Anticipated Cost and Benefits: The changes to the guidelines would not establish any new requirements and thus are technical in nature. As such, the changes would allow, but do not require the Fishery Management Councils or the Secretary of Commerce, to make changes to their Fishery Management Plans. Because changes to the guidelines would not directly alter the behavior of any entities that operate in federally managed fisheries, no direct economic effects are expected to result from this action. The potential benefits of revising the National Standard guidelines include: improving and streamlining the guidance, providing additional clarity, and providing flexibility to address fishery management issues.

Risks: NMFS anticipates that a revision to the National Standard guidelines would enhance the utility of the guidelines. NMFS does not foresee any risks associated with revising the National Standard guidelines.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/12	77 FR 26238
ANPRM Comment Period Extended.	07/03/12	77 FR 39459
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

Related RIN: Related to 0648–AV60

RIN: 0648–BB92

DOC—NOAA

Final Rule Stage

37. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico

Priority: Other Significant.

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

CFR Citation: 50 CFR 622.

Legal Deadline: None.

Abstract: The purpose of this fishery management plan is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf of Mexico exclusive economic zone. This fishery management plan consists of ten actions, each with an associated range of management alternatives, which would facilitate the permitting of an estimated 5 to 20 offshore aquaculture operations in the Gulf of Mexico over the next 10 years, with an estimated annual production of up to 64 million pounds. By establishing a regional permitting process for aquaculture, the Gulf of Mexico Fishery Management Council will be positioned to achieve their primary goal of increasing maximum sustainable yield and optimum yield of federal fisheries in the Gulf of Mexico by supplementing harvest of wild caught species with cultured product. This rulemaking would outline a regulatory permitting process for aquaculture in the Gulf of Mexico, including: (1) Required permits; (2) duration of permits; (3) species allowed;

(4) designation of sites for aquaculture; (5) reporting requirements; and (6) regulations to aid in enforcement.

Statement of Need: Demand for protein is increasing in the United States and commercial wild-capture fisheries will not likely be adequate to meet this growing demand. Aquaculture is one method to meet current and future demands for seafood. Supplementing the harvest of domestic fisheries with cultured product will help the U.S. meet consumers' growing demand for seafood and may reduce the Nation's dependence on seafood imports. Currently, the U.S. imports over 80 percent of the seafood consumed in the country, and the annual U.S seafood trade deficit is at an all time high of over $9 billion.

Summary of Legal Basis: Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

Alternatives: The Council's Aquaculture FMP includes 10 actions, each with an associated range of alternatives. These actions and alternatives are collectively intended to establish a regional permitting process for offshore aquaculture. Management actions in the FMP include: (1) Aquaculture permit requirements, eligibility, and transferability; (2) duration aquaculture permits are effective; (3) aquaculture application requirements, operational requirements, and restrictions; (4) species allowed for aquaculture; (5) allowable aquaculture systems; (6) marine aquaculture siting requirements and conditions; (7) restricted access zones for aquaculture facilities; (8) recordkeeping and reporting requirements; (9) biological reference points and status determination criteria; and (10) framework procedures for modifying biological reference points and regulatory measures.

Anticipated Cost and Benefits: Environmental and social/economic costs and benefits are described in detail in the Council's Aquaculture FMP. Potential benefits include: establishing a rigorous review process for reviewing and approving/denying aquaculture permits; increasing optimum yield by supplementing the harvest of wild domestic fisheries with cultured products; and reducing the Nation's dependence on imported seafood. Anticipated costs include increased administration and oversight of an aquaculture permitting process, and potential negative environmental impacts to wild marine resources. Approval of an aquaculture permitting system may also benefit fishing communities by creating new jobs.

Risks: Currently, 90% of seafood consumed in the United States is imported. Offshore aquaculture operations will aid in meeting the increasing demand for seafood and improve U.S. food security.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/04/09	74 FR 26829
NPRM	08/28/14	79 FR 26829
Final Action	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–AS65

BILLING CODE 3510–12–P

DEPARTMENT OF DEFENSE

Statement of Regulatory Priorities

Background

The Department of Defense (DoD) is the largest Federal department, consisting of three Military departments (Army, Navy, and Air Force), nine Unified Combatant Commands, 17 Defense Agencies, and ten DoD Field Activities. It has 1,357,218 military personnel and 853,102 civilians assigned as of June 30, 2014, and over 200 large and medium installations in the continental United States, U. S. territories, and foreign countries. The overall size, composition, and dispersion of DoD, coupled with an innovative regulatory program, presents a challenge to the management of the Defense regulatory efforts under Executive Order 12866 ''Regulatory Planning and Review'' of September 30, 1993.

Because of its diversified nature, DoD is affected by the regulations issued by regulatory agencies such as the Departments of Commerce, Energy, Health and Human Services, Housing and Urban Development, Labor, State, Transportation, and the Environmental Protection Agency. In order to develop the best possible regulations that embody the principles and objectives embedded in E.O. 12866, there must be coordination of proposed regulations among the regulatory agencies and the affected DoD components. Coordinating the proposed regulations in advance throughout an organization as large as DoD is a straightforward, yet formidable, undertaking.

DoD issues regulations that have an effect on the public and can be significant as defined in E.O. 12866. In addition, some of DoD's regulations may affect other agencies. DoD, as an integral part of its program, not only receives coordinating actions from other agencies, but coordinates with the agencies that are affected by its regulations as well.

Overall Priorities

The Department needs to function at a reasonable cost, while ensuring that it does not impose ineffective and unnecessarily burdensome regulations on the public. The rulemaking process should be responsive, efficient, cost-effective, and both fair and perceived as fair. This is being done in DoD while reacting to the contradictory pressures of providing more services with fewer resources. The Department of Defense, as a matter of overall priority for its regulatory program, fully incorporates the provisions of the President's priorities and objectives under Executive Order (E.O.) 12866.

International Regulatory Cooperation

As the President noted in Executive Order 13609, ''international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting'' public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation. Accordingly, in Executive Order 13609, the President requires each executive agency to include in its Regulatory Plan a summary of its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

The Department of Defense, along with the Department of State and the Department of Commerce, engages with other countries in the Wassenaar Arrangement, through which the international community develops a common list of items that should be subject to export controls.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review (January 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan.

All are of particular interest to small businesses. Some of these entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final agency plan and all updates to the plan can be found at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036*.

RIN	Rule title (* expected to significantly reduce burdens on small businesses)
0701–AA76	Air Force Freedom of Information Act Program.
0701–AA77	Air Force Privacy Act Program.
0703–AA87	United States Navy Regulations and Official Records.
0703–AA90	Guidelines for Archaeological Investigation Permits and Other Research on Sunken Military Craft and Terrestrial Military Craft Under the Jurisdiction of the Department of the Navy.
0703–AA91	Unofficial Use of the Seal, Emblem, Names, or Initials of the Marine Corps.
0703–AA92	Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General.
0710–AA66	Civil Monetary Penalty Inflation Adjustment Rule.
0710–AA60	Nationwide Permit Program Regulations.*
0750–AG47	Safeguarding Unclassified Controlled Technical Information (DFARS Case 2011–D039).
0750–AG62	Patents, Data, and Copyrights (DFARS Case 2010–D001).
0750–AH11	Only One Offer (DFARS Case 2011–D013).
0750–AH19	Accelerated Payments to Small Business (DFARS Case 2011–D008).
0750–AH54	Performance-Based Payments (DFARS Case 2011–D045).
0750–AH70	Defense Trade Cooperation Treaty With Australia and the United Kingdom (DFARS Case 2012–D034).
0750–AH86	Forward Pricing Rate Proposal Adequacy Checklist (DFARS Case 2012–D035).
0750–AH87	System for Award Management Name Changes, Phase 1 Implementation (DFARS Case 2012–D053).
0750–AH90	Clauses With Alternates.
0750–AH94	
0750–AH95	
0750–AI02	
0750–AI10	
0750–AI19	
0750–AI27	
0750–AI03	Approval of Rental Waiver Requests (DFARS Case 2013–D006).
0750–AI07	Storage, Treatment, and Disposal of Toxic or Hazardous Materials—Statutory Update (DFARS Case 2013–D013).
0750–AI18	Photovoltaic Devices (DFARS Case 2014–D006).
0750–AI34	State Sponsors of Terrorism (DFARS Case 2014–D014).
0790–AI24	DoD Freedom of Information Act (FOIA) Program Regulation.
0790–AI30	Defense Contract Management Agency (DCMA) Privacy Program.
0790–AI42	Personnel Security Program.
0790–AI51	DoD Freedom of Information Act (FOIA) Program; Amendment.
0790–AI54	Defense Support of Civilian Law Enforcement Agencies.
0790–AI63	Alternative Dispute Resolution.
0790–AI71	National Industrial Security Program (NISP): Procedures for Government Activities Relating to Foreign Ownership, Control or Influence (FOCI).
0790–AI73	Withholding of Unclassified Technical Data From Public Disclosure.
0790–AI75	Presentation of DoD-Related Scientific and Technical Papers at Meetings.
0790–AI77	Provision of Early Intervention and Special Education Services to Eligible DoD Dependents.
0790–AI84	National Defense Science and Engineering Graduate (NDSEG) Fellowships.
0790–AI86	Defense Logistics Agency Privacy Program.
0790–AI87	Defense Logistics Agency Freedom of Information Act Program.
0790–AI88	Shelter for the Homeless.
0790–AI90	DoD Assistance to Non-Government, Entertainment-Oriented Media Productions.
0790–AI92	Inspector General; Privacy Act; Implementation.
0790–AJ00	Civilian Employment and Reemployment Rights of Applicants for, and Service Members and Former Service Members, of the Uniformed Services.
0790–AJ03	DoD Privacy Program.
0790–AJ04	Unlawful Discrimination (On the Basis of Race, Color, National Origin, or Age in Programs or Activities Receiving Federal Financial Assistance From the DoD).
0790–AJ05	End Use Certificates (EUCs).
0790–AJ06	Voluntary Education Programs.
0790–AJ07	Historical Research in the Files of the Office of the Secretary of Defense (OSD).
0790–AJ10	Enhancement of Protections on Consumer Credit for Members of the Armed Forces and Their Dependents.
0790–AJ20	DoD Privacy Program
	Pursuant to Executive Order 13563, DoD also removed 32 CFR part 513, ''Indebtedness of Military Personnel,'' because the part is obsolete and the governing policy is now codified at 32 CFR part 112.

Administration Priorities

1. Rulemakings That Are Expected To Have High Net Benefits Well in Excess of Costs

The Department plans to—

• Finalize the DFARS rule to implement section 806 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011, as amended by section 806 of the NDAA for FY 2013. Section 806 requires the evaluation of offerors' supply chain risks for information technology purchases relating to national security systems. This rule enables agencies to exclude sources that are identified as having a supply chain risk in order to minimize

the potential risk for purchased supplies and services to maliciously introduce unwanted functions and degrade the integrity and operation of sensitive information technology systems.

• Finalize the DFARS rule to provide guidance to contractors for the submittal of forward pricing rate proposals to ensure the adequacy of forward pricing rate proposals submitted to the Government. The rule provides guidance to contractors to ensure that forward pricing rate proposals are thorough, accurate, and complete.

• Finalize the DFARS rule to implement section 1602 of the NDAA for FY 2014. Section 1602 prohibits award of a contract for commercial satellite services from certain foreign entities if the Secretary of Defense reasonably believes that the foreign entity is one in which the government of a foreign country has an ownership interest that enables the government to affect satellite operations. There is a potential risk to national security if DoD uses commercial satellite services for DoD communications and the government of a covered foreign country has an ownership interest that enables the government to affect satellite operations. Likewise, if launch or other satellite services under the contract are occurring in a covered country, the government of that country could impact the ability of the foreign entity to adequately provide those services.

2. Rulemakings of Particular Interest to Small Businesses

The Department plans to—

• Finalize the DFARS rule to delete text in DFARS part 219 that implemented 10 U.S.C. 2323 because 10 U.S.C. 2323 has expired. Removal of the obsolete implementing coverage for 10 U.S.C. 2323 will bring DFARS up to date and provide accurate and indisputable regulations affecting the small business and vendor communities. 10 U.S.C. 2323 had provided the underlying statutory authority for DoD's Small Disadvantaged Business (SDB) Program and served as the basis for DoD's use of certain solicitation techniques to further its SDB participation rate. Notwithstanding removal of this statutory authority from the DFARS, DoD's fundamental procurement policies continue to provide strong support for SDB participation as evidenced by DoD meeting or exceeding the annual Governmentwide statutory SDB prime contracting goals since 2001.

• Through ''Policy for Domestic, Municipal, and Industrial Water Supply Uses of Reservoir Projects Operated by the Department of the Army, U.S. Army Corps of Engineers,'' (RIN 0710–AA72), update and clarify the policies governing the use of storage in U.S. Army Corps of Engineers reservoir projects for domestic, municipal, and industrial water supply.

3. Rulemakings That Streamline Regulations, Reduce Unjustified Burdens, and Minimize Burdens on Small Businesses

The Department plans to—

• Finalize the DFARS rule to implement section 802 of the NDAA for FY 2012 to allow a covered litigation support contractor access to technical, proprietary, or confidential data for the sole purpose of providing litigation support. DFARS Case 2012–D029, Disclosure to Litigation Support to Contractors, pertains.

• Finalize the DFARS rule to require scientific and technical reports be submitted in electronic format. This rule, DFARS Case 2014–D0001, will streamline the submission process by no longer requiring the electronically initiated report to be printed for submission.

4. Rules To Be Modified, Streamlined, Expanded, or Repealed To Make the Agency's Regulatory Program More Effective or Less Burdensome in Achieving the Regulatory Objectives

• DFARS Cases 2013–D005, Clauses with Alternates—Foreign Acquisition, 2013–D025, Clauses with Alternates—Taxes, and 2014–D004, Clauses with Alternates—Special Contracting Methods, Major System Acquisition, and Service Contract—Propose a new convention for prescribing clauses with alternates to provide alternate clauses in full text. This will facilitate selection of alternate clauses using automated contract writing systems. The inclusion of the full text of the alternate clauses in the regulation for use in solicitations and contracts should make the terms of the alternate clauses clearer to offerors and contractors by clarifying paragraph substitutions. As a result, inapplicable paragraphs from the basic clause that are superseded by the alternate will not be included in solicitations or contracts, reducing the potential for confusion.

• Finalize the rule for DFARS, DFARS Case 2014–D014, State Sponsors of Terrorism, to clarify and relocate coverage relating to state sponsors of terrorism, add an explicit representation, and conform the terminology to replace the term ''terrorist country'' with the more accurate term ''country that is a state sponsor of terrorism.'' DFARS subpart 209.1 text is being relocated to subpart 225.7. Subpart 225.7 is a better location because the prohibition is based on ownership or control of an offeror by the government of specified countries, rather than the responsibility of the individual offeror. Correspondingly, the provision at 252.209–7001 is being removed and replaced by a newly proposed provision 252.225–70XX.

5. Rulemakings That Have a Significant International Impact

• Finalize the rule to revise the DFARS to improve awareness, compliance, and enforcement of DoD policies on combating trafficking in persons. The rule will further improve stability, productivity, and certainty in the contingency operations that DoD supports and ensure that DoD contractors do not benefit from the use of coerced labor.

Specific DoD Priorities

For this regulatory plan, there are six specific DoD priorities, all of which reflect the established regulatory principles. DoD has focused its regulatory resources on the most serious environmental, health, and safety risks. Perhaps most significant is that each of the priorities described below promulgates regulations to offset the resource impacts of Federal decisions on the public or to improve the quality of public life, such as those regulations concerning acquisition, health affairs, education, and cyber security.

1. Defense Procurement and Acquisition Policy

The Department of Defense continuously reviews the DFARS and continues to lead Government efforts to—

• Revise the DFARS to improve presentation and clarity of the regulations by (1) initiating a new convention to construct clauses with alternates in a manner whereby the alternate clauses are included in full text making the terms of the alternates clearer by clarifying paragraph substitutions and (2) streamline the DFARS by screening the text to identify any DoD procedural guidance that does not have a significant effect beyond the internal operating procedures of DoD or have a significant cost or administrative impact on contractors or offerors, which should be more correctly relocated from the DFARS to the DFARS Procedures, Guidance, and Information (PGI).

• Employ methods to facilitate and improve efficiency of the contracting process such as (1) employing a checklist to assist contractors in providing initial submission of FPRA proposals that are thorough, accurate, and complete and (2) requiring

scientific and technical reports to be submitted electronically.

2. Health Affairs, Department of Defense

The Department of Defense is able to meet its dual mission of wartime readiness and peacetime health care by operating an extensive network of medical treatment facilities. This network includes DoD's own military treatment facilities supplemented by civilian health care providers, facilities, and services under contract to DoD through the TRICARE program. TRICARE is a major health care program designed to improve the management and integration of DoD's health care delivery system. The program's goal is to increase access to health care services, improve health care quality, and control health care costs.

The Defense Health Agency plans to publish the following rule:

• Final Rule: CHAMPUS/TRICARE: Pilot Program for Refills of Maintenance Medications for TRICARE Life Beneficiaries through the TRICARE Mail Order Program. This final rule implements section 716 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), which establishes a 5-year pilot program that would generally require TRICARE for Life beneficiaries to obtain all refill prescriptions for covered maintenance medications from the TRICARE mail order program or military treatment facility pharmacies. Covered maintenance medications are those that involve recurring prescriptions for chronic conditions, but do not include medications to treat acute conditions. Beneficiaries may opt out of the pilot program after one year of participation. This rule includes procedures to assist beneficiaries in transferring covered prescriptions to the mail order pharmacy program. The interim final rule was published December 11, 2013 (78 FR 75245) with an effective date of February 14, 2014. DoD anticipates publishing a final rule in the first quarter of FY 2015.

3. Personnel and Readiness, Department of Defense

The Department of Defense plans to publish a rule regarding Service Academies:

• Final Rule: Service Academies. This rule establishes policy, assigns responsibilities, and prescribes procedures for Department of Defense oversight of the Service Academies. Administrative costs are negligible, and benefits are clear, concise rules that enable the Secretary of Defense to ensure that the Service Academies are efficiently operated and meet the needs of the armed forces. The proposed rule was published October 18, 2007 (72 FR 59053), and included policy that has since changed. The final rule, particularly the explanation of separation policy, will reflect recent changes in the ''Don't Ask, Don't Tell'' policy. It will also incorporate changes resulting from interagency coordination. DoD anticipates publishing the final rule in the first or second quarter of FY 2015.

4. Military Community and Family Policy, Department of Defense

The Department of Defense has proposed a revision to the regulation implementing the Military Lending Act, which prescribes limitations on the terms of consumer credit extended to Service members and dependents:

• Proposed Rule: Limitations on Terms of Consumer Credit Extended to Service Members and Dependents. In this proposed rule, the Department of Defense (Department) proposes to amend its regulation that implements the Military Lending Act, herein referred to as the ''MLA''. Among other protections for Service members, the MLA limits the amount of interest that a creditor may charge on ''consumer credit'' to a maximum annual percentage rate of 36 percent. The Department proposed to amend its existing regulation primarily for the purpose of extending the protections of the MLA to a broader range of closed-end and open-end credit products, rather than the limited credit products currently defined as consumer credit. In addition, the Department proposed to amend its existing regulation to amend the provisions governing a tool a creditor may use in assessing whether a consumer is a ''covered borrower,'' modify the disclosures that a creditor must provide to a covered borrower implement the enforcement provisions of the MLA, as amended, among other purposes. The revisions to this rule are part of DoD's retrospective plan under Executive Order 13563 completed in August 2011.

5. Chief Information Officer, Department of Defense

The Department of Defense plans to amend the voluntary cyber security information sharing program between DoD and eligible cleared defense contractors:

• Proposed Rule: Defense Industrial Base (DIB) Voluntary Cyber Security/Information Assurance (CS/IA) Activities. The Department proposes to amend the DoD–DIB CS/IA Voluntary Activities regulation (32 CFR part 236) in response to section 941 National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013, which requires the Secretary of Defense to establish procedures that require each cleared defense contractor (CDC) to report to DoD when a network or information system has a cyber-intrusion. The revised rule also expands eligibility to participate in the DIB CS/IA voluntary cyber threat information sharing program to all CDCs. DoD anticipates publishing a proposed rule in the first or second quarter of FY 2015.

DOD—OFFICE OF THE SECRETARY (OS)

Proposed Rule Stage

38. Limitations on Terms of Consumer Credit Extended to Service Members and Dependents

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 10 U.S.C. 987

CFR Citation: 32 CFR 232.

Legal Deadline: None.

Abstract: The Department of Defense (''Department'') proposes to amend its regulation that implements the Military Lending Act, herein referred to as the ''MLA.'' Among other protections for servicemembers, the MLA limits the amount of interest that a creditor may charge on ''consumer credit'' to a maximum annual percentage rate of 36 percent. The Department is proposing to amend its existing regulation primarily for the purpose of extending the protections of the MLA to a broader range of closed-end and open-end credit products, rather than the limited credit products currently defined as consumer credit. In addition, the Department is proposing to amend its existing regulation to amend the provisions governing a tool a creditor may use in assessing whether a consumer is a ''covered borrower,'' modify the disclosures that a creditor must provide to a covered borrower, implement the enforcement provisions of the MLA, as amended, and for other purposes. The revisions to this rule are part of DoD's retrospective plan under Executive Order 13563 completed in August 2011. DoD's full plan can be accessed at: *http://exchange.regulations.gov/exchange/topic/eo-13563*.

Statement of Need: This regulation identifies the negative impact of high-cost consumer credit lending on servicemembers and their dependents quality of life and on general troop readiness. Servicemembers are younger than the population as a whole with 43 percent 25 years old or less. Thirty-five percent of enlisted servicemembers in

the grades E1–E4 are married and 20 percent of them have children. This is compared with approximately 12 percent of their contemporaries in the U.S. population 18 through 24 who are married (2012 U.S. Census Bureau). The majority of recruits come to the military from high school with little financial literacy education.

The initial indoctrination provided to servicemembers is critical providing basic requirements for their professional and personal responsibilities and their successful adjustment to military life. Part of this training is in personal finance which is an integral part of their personal and often professional success. The Department of Defense (the Department) continues to provide them messages to save, invest, and manage their money wisely throughout their career.

A major concern of the Department has been the debt accumulation of some servicemembers and the continued financial turmoil caused by their use of credit particularly high-cost credit. The regulation has provided limitation on the use of credit posing the most significant concerns (short-term high-cost credit secured by pay, vehicle title, or tax return). Other forms of high-cost credit outside of the definitions in the regulation have been developed since the regulation was initially released in 2007 and the proposed changes to the regulation have been developed in part to extend protections to servicemembers and their families to cover these new developments.

The Department views the support provided to military families as essential to sustaining force readiness and military capability. From this perspective it is not sufficient for the Department to train servicemembers on how best to use their financial resources. Financial protections are an important part of fulfilling the Departments compact with servicemembers and their families and most importantly of sustaining force readiness and military capability.

Summary of Legal Basis: Public Law 109–364 the John Warner National Defense Authorization Act for Fiscal Year 2007 670 Limitations on Terms of Consumer Credit Extended to Servicemembers and Dependents (October 17 2006). Section 670 of Public Law 109–364 which was codified as 10 U.S.C. 987 requires the Secretary of Defense to prescribe regulations to carry out the new section.

Alternatives: No other regulatory alternatives are available. Education represents a non-regulatory alternative that is an important aspect of the overall protection provided servicemembers and their families. However education has not been proven to change behavior and has not been sufficient to prepare many of servicemembers to avoid financial products and services that can cause them financial harm. This regulation works in tandem with on-going efforts to educate Service members and prepare them to manage their finances.

Anticipated Cost and Benefits: Increased costs to the creditors as a result of the Regulation have been articulated in the Paperwork Reduction Act Submission as part of the EO 12866 review. The Department anticipates that its regulation, if adopted as proposed, might impose costs of approximately $96 million during the first year, as creditors adapt their systems to comply with the requirements of the MLA and the Department's regulation. However, after the first year and on an ongoing basis, the annual effect on the economy is expected to be between approximately $7 million net (quantitative) costs and $117 million net (quantitative) benefits. The potentially anticipated net benefits of the proposed regulation are attributable to the cost savings to the Department that would result from the reduction in involuntary separations of Service members due to financial distress; at some points in the range of estimates the Department has used to assess the proposal, these savings are estimated to exceed the compliance costs that would be borne by creditors.

Risks: The Regulation currently covers payday loans, vehicle-title loans, and tax refund anticipation loans (RALs). Some other credit products with favorable terms as well as terms that can increase the interest rate well beyond the limits prescribed by 10 U.S.C. 987 were not initially covered by the regulation. However access to payday and vehicle title loans has changed to include variations that are no longer covered by the regulation and there are other high-cost credit products that have become more of an issue for servicemembers and their families who have over extended their credit.

The regulation continues to complement other actions taken by the Department to include initial and follow-on financial education financial awareness campaigns savings campaigns free financial counseling at military installations and available 24 hours 7 days per week through Military OneSource. To complement these efforts Military Aid Societies provide grants and no-interest loans and a growing number of financial institutions located on military installations are providing low-cost small-dollar loans.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/13	78 FR 36134
ANPRM Comment Period End.	08/01/13	
NPRM	09/29/14	79 FR 58601
NPRM Comment Period End.	11/28/14	
Final Action	05/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Marcus Beauregard, Department of Defense, Office of the Secretary, 4000 Defense Pentagon, Washington, DC 20301–4000, *Phone:* 571 372–5357.

RIN: 0790–AJ10

DOD—OS

39. Defense Industrial Base (DIB) Cyber Security/Information Assurance (CS/IA) Activities: Amendment

Priority: Other Significant.

Legal Authority: EO 12829

CFR Citation: 32 CFR 236.

Legal Deadline: None.

Abstract: This rule amends the DoD–DIB CS/IA Voluntary Activities regulation in response to section 941 National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 which requires the Secretary of Defense to establish procedures that require each cleared defense contractor (CDC) to report when a network or information system that meets the criteria reports cyber intrusions.

Statement of Need: The Department of Defense (DoD) will amend the DoD–DIB CS/IA Voluntary Activities (32 CFR part 236) regulation to incorporate changes as required by section 941 NDAA for FY 2013 to include mandated cyber intrusion incident reporting by all cleared defense contractors (CDCs).

Summary of Legal Basis: This regulation is proposed under the authorities of section 941 NDAA for FY 2013.

Alternatives: DoD analyzed the requirements in section 941 NDAA for FY 2013 and determined that implementation must be accomplished through the rulemaking process. This will allow the public to comment on the implementation strategy.

Anticipated Cost and Benefits: Implementing the amended rule to meet the requirements of section 941 NDAA for FY 2013 affects approximately 8,700 CDCs. Each company will require DoD approved, medium assured certificates

to submit the mandatory cyber incident reporting to the DoD-access controlled Web site. The cost per certificate is $175. In addition, it is estimated that the average burden per reported incident is 7 hours, which includes identifying the cyber incident details, gathering and maintaining the data needed, reviewing the collection of information to be reported, and completing the report. Note, these costs are the same as those associated with 32 CFR part 236 (DoD–DIB CS/IA Voluntary Activities), but are now applicable across a larger population of defense contractors. The benefit of this amended rule is satisfying the legal mandate from section 941 NDAA for FY 2013 as well as informing the Department of incidents that impact DoD programs and information. DoD needs to have the ability to assess the strategic and operational impacts of cyber incidents and determine appropriate mitigation activities.

Risks: There will likely be significant public interest in DoD's implementation of section 941 NDAA for FY 2013. DoD will need to assure the public that DoD will provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person that may be evident through the cyber incident reporting and media analysis.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Vicki Michetti, Department of Defense, Office of the Secretary, 6000 Defense Pentagon, Washington, DC 20301–6000, *Phone:* 703 604–3177, *Email: vicki.d.michetti.civ@mail.mil.*

RIN: 0790–AJ14

DOD—OS

Final Rule Stage

40. Service Academies

Priority: Other Significant.

Legal Authority: 10 U.S.C. 403; 10 U.S.C. 603; 10 U.S.C. 903

CFR Citation: 32 CFR 217

Legal Deadline: None.

Abstract: The Department is revising and updating policy guidance and oversight of the military service academies. This rule implements 10 U.S.C. 403, 603, and 903 for the establishment and operation of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy. The proposed rule was published October 18, 2007 (72 FR 59053), and included policy that has since changed. The final rule, particularly the explanation of separation policy, will reflect recent changes in the Don't Ask, Don't Tell policy.

Statement of Need: The Department of Defense revises and updates the current rule providing the policy guidance and oversight of the military service academies. This rule implements 10 U.S.C. 403, 603, and 903 for the establishment and operation of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

Summary of Legal Basis: 10 U.S.C. chapters 403, 603, 903.

Alternatives: None. The Federal statute directs the Department of Defense to develop policy, assign responsibilities, and prescribe procedures for operations and oversight of the service academies.

Anticipated Cost and Benefits: Administrative costs are negligible and benefits would be clear, concise rules that enable the Secretary of Defense to ensure that the service academies are efficiently operated and meet the needs of the Armed Forces.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	10/18/07	72 FR 59053
NPRM Comment Period End.	12/17/07	
Final Action	02/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: DoD Instruction 1322.22.

Agency Contact: Paul Nosek, Department of Defense, Office of the Secretary, 4000 Defense Pentagon, Washington, DC 20301–4000, *Phone:* 703 695–5529.

RIN: 0790–AI19

DOD—Defense Acquisition Regulations Council (DARC)

Final Rule Stage

41. Foreign Commercial Satellite Services (DFARS Case 2014–D010)

Priority: Other Significant.

Legal Authority: 41 U.S.C. 1303; Pub. L. 113–66, sec 1602

CFR Citation: 48 CFR 204; 48 CFR 212; 48 CFR 225; 48 CFR 252.

Legal Deadline: Other, Statutory, December 26, 2013, 10 U.S.C. 2279, as added by sec 1602 of the NDAA for FY 2014 (Pub. L. 113–66), which was effective on enactment 12/26/13.

Abstract: DoD issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 1602 of the National Defense Authorization Act for Fiscal Year 2014, which prohibits award of a contract for commercial satellite services to a foreign entity if the Secretary of Defense believes that the foreign entity (1) is an entity in which the government of a covered foreign country has an ownership interest that enables the government to affect satellite operations; or (2) plans to, or is expected to, provide or use launch or other satellite services under the contract from a covered foreign country. This rule is not expected to have a significant economic impact on a substantial number of small entities.

Statement of Need: This action is necessary because 10 U.S.C. 2279 as added by section 1602 of the National Defense Authorization Act for FY 2014 (Pub. L. 113–66) became effective upon enactment on December 26 2013. 10 U.S.C. 2279 restricts the acquisition of commercial satellite services from certain foreign entities. The statute prohibits the award of contracts for commercial satellite services to a foreign entity that (1) is an entity in which the government of a covered foreign country (*i.e.*, the Peoples Republic of China, North Korea, Cuba, Iran, Sudan, or Syria) has an ownership interest that enables the government to affect satellite operations; or (2) plans to or is expected to provide or use launch or other satellite services under the contract from a covered foreign country.

Summary of Legal Basis: This rule is proposed under the authority of title 10 U.S.C. 2279 as added by section 1602 of the National Defense Authorization Act for FY 2014 (Pub. L. 113–66).

Alternatives: DoD was not able to identify any alternatives that meet the statutory requirements of 10 U.S.C. 2279 and the objectives of this rule.

Anticipated Cost and Benefits: Benefits associated with this rule outweigh the cost of compliance. The rule reduces the potential risk to national security by prohibiting the acquisition of commercial satellite services from certain foreign entities as in those case where the foreign entity is either (1) an entity in which the government of a covered foreign country has an ownership interest that enables the government to affect satellite

operations; or (2) plans to or is expected to provide or use launch or other satellite services under the contract from a covered foreign country. The rule requires an annual representation as to whether the offeror is or is not a foreign entity subject to the prohibitions of the statute or is or is not offering commercial satellite services provided by such a foreign entity. DoD estimates that the total estimated annual public burden for the collection of this information is negligible (approximately $4275.00) based on Federal Procurement Data System data for FY 2013. There were 380 unique contractors that received contract or orders for PSC D304 (ADP Telecommunications and Transmission Services) of which commercial satellite services are a subset so 380 is an estimate at the highest end of the possible range of respondents. We estimate that these respondent will spend an average of 0.25 hours to complete and submit one response per year. Additionally DoD estimates that the rule will not have a significant impact on small entities unless they are offering commercial satellite services provided by a foreign entity that is subject to the restrictions of this rule. According to the FPDS data for fiscal year 2013, 111 small entities were awarded contracts or orders for services in PSC D304 (ADP Telecommunications and Transmission Services) of which commercial satellite services are a subset.

Risks: Until this statute is implemented in the DFARS there is risk that contracting officers may acquire commercial satellite services in violation of the law increasing the risk to the U.S. military operations and lost opportunities for the U.S. industrial base.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/05/14	79 FR 45662
Interim Final Rule Effective.	08/05/14	
Interim Final Rule Comment Period End.	10/06/14	
Final Action	03/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Manuel Quinones, Department of Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15D07–2, Alexandria, VA 22350, *Phone:* 571 372–6088, *Email: manuel.quinones.civ@mail.mil*.

RIN: 0750–AI32

DOD—Office of Assistant Secretary for Health Affairs (DODOASHA)

Final Rule Stage

42. Champus/TRICARE: Pilot Program for Refills of Maintenance

Medications for TRICARE for Life Beneficiaries Through the TRICARE Mail Order Program

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch 55

CFR Citation: 32 CFR 199.

Legal Deadline: None.

Abstract: This interim final rule implements section 716 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), which establishes a 5-year pilot program that would generally require TRICARE for Life beneficiaries to obtain all refill prescriptions for covered maintenance medications from the TRICARE mail order program or military treatment facility pharmacies. Covered maintenance medications are those that involve recurring prescriptions for chronic conditions, but do not include medications to treat acute conditions. Beneficiaries may opt out of the pilot program after 1 year of participation. This rule includes procedures to assist beneficiaries in transferring covered prescriptions to the mail-order pharmacy program. This regulation is being issued as an interim final rule in order to comply with the express statutory intent that the program begin in calendar year 2013.

Statement of Need: The Department of Defense (DoD) proposed rule establishes processes for the new program of refills of maintenance medications for TRICARE for Life beneficiaries through military treatment facility pharmacies and the mail order pharmacy program.

Summary of Legal Basis: This regulation is proposed under 5 U.S.C. 301; 10 U.S.C. chapter 55; 32 CFR 199.21.

Alternatives: The rule fulfills a statutory requirement, therefore there are no alternatives.

Anticipated Cost and Benefits: The effect of the statutory requirement, implemented by this rule, is to shift a volume of prescriptions from retail pharmacies to the most cost-effective point-of-service venues of military treatment facility pharmacies and the mail order pharmacy program. This will produce savings to the Department of approximately $104 million per year, and savings to beneficiaries of approximately $34 million per year in reduced copayments.

Risks: Loss of savings to both the Department and beneficiaries. No risk to the public.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/11/13	78 FR 75245
Interim Final Rule Comment Period End.	02/10/14	
Interim Final Rule Effective.	02/14/14	
Final Action	01/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: George Jones, Department of Defense, Office of Assistant Secretary for Health Affairs, Defense Pentagon, Washington, DC 20301, *Phone:* 703 681–2890.

RIN: 0720–AB60

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Statement of Regulatory Priorities

I. Introduction

The U.S. Department of Education (Department) supports States, local communities, institutions of higher education, and others in improving education nationwide and in helping to ensure that all Americans receive a high-quality education. We provide leadership and financial assistance pertaining to education at all levels to a wide range of stakeholders and individuals, including State educational and other agencies, local school districts, providers of early learning programs, elementary and secondary schools, institutions of higher education, career and technical schools, nonprofit organizations, postsecondary students, members of the public, families, and many others. These efforts are helping to ensure that all children and students from pre-kindergarten through grade 12 will be ready for, and succeed in, postsecondary education and that students attending postsecondary institutions are prepared for a profession or career.

We also vigorously monitor and enforce the implementation of Federal civil rights laws in educational

programs and activities that receive Federal financial assistance, and support innovative programs, research and evaluation activities, technical assistance, and the dissemination of research and evaluation findings to improve the quality of education.

Overall, the laws, regulations, and programs that the Department administers will affect nearly every American during his or her life. Indeed, in the 2014–2015 school year, about 55 million students will attend an estimated 130,000 elementary and secondary schools in approximately 13,600 districts, and about 21 million students will enroll in degree-granting postsecondary schools. All of these students may benefit from some degree of financial assistance or support from the Department.

In developing and implementing regulations, guidance, technical assistance, and monitoring related to our programs, we are committed to working closely with affected persons and groups. Specifically, we work with a broad range of interested parties and the general public, including families, students, and educators; State, local, and tribal governments; and neighborhood groups, community-based early learning programs, elementary and secondary schools, colleges, rehabilitation service providers, adult education providers, professional associations, advocacy organizations, businesses, and labor organizations.

If we determine that it is necessary to develop regulations, we seek public participation at the key stages in the rulemaking process. We invite the public to submit comments on all proposed regulations through the Internet or by regular mail. We also continue to seek greater public participation in our rulemaking activities through the use of transparent and interactive rulemaking procedures and new technologies.

To facilitate the public's involvement, we participate in the Federal Docketing Management System (FDMS), an electronic single Government-wide access point (*www.regulations.gov*) that enables the public to submit comments on different types of Federal regulatory documents and read and respond to comments submitted by other members of the public during the public comment period. This system provides the public with the opportunity to submit comments electronically on any notice of proposed rulemaking or interim final regulations open for comment, as well as read and print any supporting regulatory documents.

We are continuing to streamline information collections, reduce the burden on information providers involved in our programs, and make information easily accessible to the public.

II. Regulatory Priorities

A. The Higher Education Act of 1965, as Amended

Gainful Employment. On March 25, 2014, the Secretary issued a notice of proposed rulemaking for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA). Specifically, the proposed regulations would amend the regulations on institutional eligibility under the HEA and the Student Assistance General Provisions to establish measures for determining whether certain postsecondary educational programs prepare students for gainful employment in a recognized occupation, the conditions under which these educational programs remain eligible for the title IV Federal Student Aid programs, and requirements for reporting and disclosure of relevant information. The public comment period for the proposed regulations closed on May 27, 2014, and the Department published final regulations on October 31, 2014.

Pay As You Earn. On June 9, 2014, the President issued a memorandum directing the Secretary to propose regulations by June 9, 2015, that will allow additional students who borrowed Federal Direct Loans to cap their Federal student loan payments at 10 percent of their income. The memorandum further directed the Secretary to issue final regulations after considering all public comments with the goal of making the repayment option available to borrowers by December 31, 2015. On September 3, 2014, we published a notice announcing our intention to establish a negotiated rulemaking committee to prepare proposed regulations governing the Federal William D. Ford Direct Loan Program. We also invited public comments regarding additional issues that should be considered for action by the negotiating committee.

Teacher Preparation. On April 25, 2014, the President directed the Department to propose a plan to strengthen America's teacher preparation programs for public comment and to publish a final rule within the next year. The Administration seeks to encourage and support States in developing systems that recognize excellence and provide all programs with information to help them improve, while holding them accountable for how well they prepare teachers to succeed in today's classrooms and throughout their careers. Specifically, the Department is preparing to issue proposed regulations under title II of the HEA that require States to provide more meaningful data in their State report cards on the performance of each teacher preparation program located in the State and to amend the regulations governing the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program to update, clarify, and improve the current regulations and align them with data reported by States under title II.

B. Elementary and Secondary Education Act of 1965, as Amended

In 2010, the Administration released the ''Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act'', the President's plan for revising the Elementary and Secondary Education Act of 1965 (ESEA) and replacing the No Child Left Behind Act of 2001 (NCLB). The blueprint can be found at the following Web site: *http://www2.ed.gov/policy/elsec/leg/blueprint/index.html.*

Additionally, as we continue to work with Congress on reauthorizing the ESEA, we continue to provide flexibility on certain provisions of current law for States that are willing to embrace reform. The mechanisms we are using will ensure continued accountability and commitment to high-quality education for all students while providing States with increased flexibility to implement State and local reforms to improve student achievement.

C. Carl D. Perkins Career and Technical Education Act of 2006

In 2012, we released ''Investing in America's Future: A Blueprint for Transforming Career and Technical Education'', our plan for reauthorizing the Carl D. Perkins Career and Technical Education Act of 2006 (2006 Perkins Act). The Blueprint can be found at the following Web site: *http://www2.ed.gov/about/offices/list/ovae/pi/cte/transforming-career-technical-education.pdf.*

The 2006 Perkins Act made important changes in Federal support for career and technical education (CTE), such as the introduction of a requirement that all States offer ''programs of study.'' These changes helped to improve the learning experiences of CTE students but did not go far enough to systemically create better outcomes for students and employers who are competing in a 21st-century global

economy. The Administration's Blueprint would usher in a new era of rigorous, relevant, and results-driven CTE shaped by four core principles: (1) Alignment; (2) Collaboration; (3) Accountability; and (4) Innovation. The Administration's Blueprint proposal reflects a commitment to promoting equity and quality across these alignment, collaboration, accountability, and innovation efforts in order to ensure that more students have access to high-quality CTE programs.

D. Individuals With Disabilities Education Act

On September 18, 2013, the Secretary issued a notice of proposed rulemaking to amend regulations under Part B of the Individuals with Disabilities Education Act (IDEA) regarding local maintenance of effort (MOE) to ensure that all parties involved in implementing, monitoring, and auditing local educational agency (LEA) compliance with MOE requirements understand the rules. The Secretary intends to issue final regulations to amend the existing regulations that will clarify existing policy and make other related changes regarding: (1) The compliance standard; (2) the eligibility standard; (3) the level of fiscal effort required of an LEA in the year after it fails to maintain that effort; and (4) the consequence for a failure to maintain local effort.

E. Workforce Innovation and Opportunity Act

President Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law on July 22, 2014. WIOA replaced the Workforce Investment Act of 1998 (WIA), including the Adult Education and Family Literacy Act (AEFLA), and amended the Wagner-Peyser Act and the Rehabilitation Act of 1973 (Rehabilitation Act). WIOA promotes the integration of the workforce development system's four ''core programs'', including AEFLA and the vocational rehabilitation program under Title I of the Rehabilitation Act), into the revamped workforce development system under Title I of WIOA. In collaboration with the Department of Labor (DOL), the Department must issue an NPRM by January 18, 2015, and final regulations by January 22, 2016. The Department is working with DOL to meet this statutory deadline. The Department will also regulate on the programs it administers under the Rehabilitation Act and AEFLA that were changed by WIOA.

III. Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (signed by the President on Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Some of the entries on this list may be completed actions that do not appear in *The Regulatory Plan.* However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section. These rulemakings can also be found on Regulations.gov. The final agency plan can be found at: *www.ed.gov*.

RIN	Title of Rulemaking	Do we expect this rulemaking to significantly reduce burden on small businesses?
1810–AB16	Title I—Improving the Academic Achievement of the Disadvantaged	No.
1820–AB65	Assistance to States for the Education of Children with Disabilities—Maintenance of Effort	No.
1820–AB66	American Indian Vocational Rehabilitation Services Program	No.
1820–AB68	Workforce Innovation and Opportunity Act (OSERS)	Undetermined.
1830–AA21	Workforce Innovation and Opportunity Act (OCTAE)	Undetermined.
1840–AD08	Titles III and V of the Higher Education Act, as Amended	No.
1840–AD14	Negotiated Rulemaking Under Title IV of the HEA	No.
1840–AD15	Gainful Employment	No.
1840–AD16	Violence Against Women Act	No.
1840–AD17	William D. Ford Federal Direct Loan Program	No.

IV. Principles for Regulating

Over the next year, we may need to issue other regulations because of new legislation or programmatic changes. In doing so, we will follow the Principles for Regulating, which determine when and how we will regulate. Through consistent application of those principles, we have eliminated unnecessary regulations and identified situations in which major programs could be implemented without regulations or with limited regulatory action.

In deciding when to regulate, we consider the following:

- Whether regulations are essential to promote quality and equality of opportunity in education.
- Whether a demonstrated problem cannot be resolved without regulation.
- Whether regulations are necessary to provide a legally binding interpretation to resolve ambiguity.
- Whether entities or situations subject to regulation are similar enough that a uniform approach through regulation would be meaningful and do more good than harm.
- Whether regulations are needed to protect the Federal interest, that is, to ensure that Federal funds are used for their intended purpose and to eliminate fraud, waste, and abuse.

In deciding how to regulate, we are mindful of the following principles:

- Regulate no more than necessary.
- Minimize burden to the extent possible, and promote multiple approaches to meeting statutory requirements if possible.
- Encourage coordination of federally funded activities with State and local reform activities.
- Ensure that the benefits justify the costs of regulating.
- To the extent possible, establish performance objectives rather than specify compliance behavior.
- Encourage flexibility, to the extent possible and as needed to enable institutional forces to achieve desired results.

ED—OFFICE OF POSTSECONDARY EDUCATION (OPE)

Proposed Rule Stage

43. • Pay as you Earn

Priority: Other Significant. Major under 5 U.S.C. 801.

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: On June 9 2014, the President issued a memorandum (79 FR 33843) directing the Secretary to propose regulations by June 9, 2015, that will allow additional students who borrowed Federal Direct Loans to cap their Federal student loan payments at 10 percent of their income. The memorandum further directed the Secretary to issue final regulations after considering all public comments with the goal of making the repayment option available to borrowers by December 31, 2015.

Statement of Need: The President has issued a memorandum directing the Secretary to propose regulations by June 9, 2015, that will allow additional student borrowers Federal Direct Loans to cap their Federal student loan payments at 10 percent of their income. The memorandum further directed the Secretary to issue final regulations after considering all public comments with the goal of making the repayment option available to borrowers by December 31, 2015.

Summary of Legal Basis: The President directed the Secretary to propose regulations that will allow additional student borrowers Federal Direct Loans to cap their Federal student loan payments at 10 percent of their income.

Alternatives: These will be discussed in the notice of proposed rulemaking.

Anticipated Cost and Benefits: These will be discussed in the notice of proposed rulemaking.

Risks: These will be discussed in the notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Negotiated Rulemaking Committee.	09/03/14	79 FR 52273
NPRM	06/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Wendy Macias, Department of Education, Office of Postsecondary Education, Room 8017, 1990 K Street NW., Washington, DC 20006, *Phone:* 202 502–7526, *Email:* *wendy.macias@ed.gov.*

RIN: 1840–AD18

ED—OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION (OCTAE)

Proposed Rule Stage

44. • Workforce Innovation and Opportunity Act

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: Pub. L. 113–128

CFR Citation: Not Yet Determined.

Legal Deadline: NPRM, Statutory, January 18, 2015, No later than 180 days after enactment. Final, Statutory, January 22, 2016, 18 months after enactment.

Abstract: WIOA was signed into law on July 22, 2014. It replaced the Workforce Investment Act of 1998, including the Adult Education and Family Literacy Act (AEFLA), and amended the Wagner-Peyser Act and the Rehabilitation Act of 1973. WIOA promotes the integration of the workforce development system's four core programs. In collaboration with the Department of Labor (DOL), the Department must issue an NPRM by January 18, 2015 and final regulations by January 22, 2016. To meet this statutory timeline, the Department will work with DOL on various issues. The Department will also regulate on the programs it administers under the Rehabilitation Act and the AEFLA that were changed by WIOA.

Statement of Need: WIOA replaces the Workforce Investment Act of 1998, including the AEFLA, and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973. In collaboration with the Department of Labor (DOL), the Department must issue proposed regulations on the integration of the workforce development system's four core programs, and will also regulate on the programs it administers under the Rehabilitation Act and the AEFLA that were changed by WIOA.

Summary of Legal Basis: The Department will issue proposed regulations on the integration of the workforce development system's four core programs, and on the programs it administers under that were changed by WIOA.

Alternatives: These will be discussed in the NPRM Regulations.

Anticipated Cost and Benefits: These will be discussed in the NPRM Regulations.

Risks: These will be discussed in the NPRM Regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Mary Louise Dirrigl, Department of Education, Office of Special Education and Rehabilitative Services, Room 5156, PCP, 550 12th Street SW., Washington, DC 20202, Phone: 202 245–7324.

Cheryl Keenan, Department of Education, Office of Career, Technical, and Adult Education, 550 12th Street SW., Washington, DC 20202, Phone: 202 245–7810.

RIN: 1830–AA21.

BILLING CODE 4001–01–P

DEPARTMENT OF ENERGY

Statement of Regulatory and Deregulatory Priorities

The Department of Energy (Department or DOE) makes vital contributions to the Nation's welfare through its activities focused on improving national security, energy supply, energy efficiency, environmental remediation, and energy research. The Department's mission is to:

- Promote dependable, affordable and environmentally sound production and distribution of energy;
- Advance energy efficiency and conservation;
- Provide responsible stewardship of the Nation's nuclear weapons;
- Provide a responsible resolution to the environmental legacy of nuclear weapons production; and
- Strengthen U.S. scientific discovery, economic competitiveness, and improve quality of life through innovations in science and technology.

The Department's regulatory activities are essential to achieving its critical mission and to implementing major initiatives of the President's National Energy Policy. Among other things, the Regulatory Plan and the Unified Agenda contain the rulemakings the Department will be engaged in during the coming year to fulfill the Department's commitment to meeting deadlines for issuance of energy conservation standards and related test procedures. The Regulatory Plan and Unified Agenda also reflect the Department's continuing commitment to cut costs, reduce regulatory burden, and increase responsiveness to the public.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), several regulations have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Some of these entries on this list may be completed actions, which do not appear in the Regulatory Plan. However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final agency plan can be found at *http://www.whitehouse.gov/sites/default/files/other/2011-regulatory-action-plans/departmentofenergy regulatoryreformplanaugust2011.pdf.*

Energy Efficiency Program for Consumer Products and Commercial Equipment

The Energy Policy and Conservation Act (EPCA) requires DOE to set appliance efficiency standards at levels that achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. The Department continues to follow its schedule for setting new appliance efficiency standards. These rulemakings are expected to save American consumers billions of dollars in energy costs.

The overall plan for implementing the schedule is contained in the Report to Congress under section 141 of EPACT 2005, which was released on January 31, 2006. This plan was last updated in the August 2014 report to Congress and now includes the requirements of the Energy Independence and Security Act of 2007 (EISA 2007) and the American Energy Manufacturing Technical Corrections Act (AEMTCA). The reports to Congress are posted at: *http://www.eere.energy.gov/buildings/appliance_standards/schedule_setting.html.*

Estimate of Combined Aggregate Costs and Benefits

In FY 2014, the Department published final rules that adopted new or amended energy conservation standards for seven different products, including metal halide lamp fixtures, external power supplies, commercial refrigeration equipment, walk-in coolers and freezers, through the wall air conditioners and heat pumps, electric motors, and furnace fans. These standards when combined with the other final rules adopting standards since January 2009, are expected to save consumers hundreds of billions of dollars on their utility bills through 2030.

DOE believes that the three rulemakings that make up the Regulatory Plan will also substantially benefit the Nation. However, because of their current stage in the rulemaking process, DOE has not yet proposed candidate standard levels for these products and cannot provide an estimate of combined aggregate costs and benefits for these actions. DOE will, however, in compliance with all applicable law, issue standards that provide the maximum energy savings that are technologically feasible and economically justified. Estimates of energy savings will be provided when DOE issues the notice of proposed rulemakings for manufactured housing, general service lamps, and non-weatherized gas furnaces.

DOE—ENERGY EFFICIENCY AND RENEWABLE ENERGY (EE)

Prerule Stage

45. Energy Conservation Standards for General Service Lamps

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: 42 U.S.C. 6295(i)(6)(A) and (B)

CFR Citation: 10 CFR 430.

Legal Deadline: Final, Statutory, January 1, 2017.

Abstract: Amendments to Energy Policy and Conservation Act (EPCA) in the Energy Independence and Security Act of 2007 (EISA) direct DOE to conduct two rulemaking cycles to evaluate energy conservation standards for GSLs, the first of which must be initiated no later than January 1, 2014. EISA specifically states that the scope of the rulemaking is not limited to incandescent lamp technologies. EISA also states that DOE must consider in the first rulemaking cycle the minimum backstop requirement of 45 lumens per watt for GSLs effective January 1, 2020, established by EISA. This rulemaking constitutes DOE's first rulemaking cycle.

Statement of Need: EPCA requires minimum energy efficiency standards for certain appliances and commercial equipment.

Summary of Legal Basis: Title III of the Energy Policy and Conservation Act of 1975 (EPCA or the Act) Public Law 94163 (42 U.S.C. 62916309 as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles. Pursuant to EPCA any new or amended energy conservation standard that the U.S. Department of Energy (DOE) prescribes for certain products such as general service lamps shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified (42 U.S.C. 6295(o)(2)(A)) and result in a significant conservation of energy (42 U.S.C. 6295(o)(3)(B)).

Alternatives: The statute requires DOE to conduct rulemakings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination DOE conducts a thorough analysis of the alternative standard levels including the existing standard based on the criteria specified by the statute.

Anticipated Cost and Benefits: Because DOE has not yet proposed energy efficiency standards, DOE cannot provide an estimate of combined aggregate costs and benefits for these actions. DOE will, however, in compliance with all applicable law, issue standards that provide for increased energy efficiency that are economically justified. Estimates of energy savings will be provided when DOE issues the notice of proposed rulemaking action.

Risks:

Timetable:

Action	Date	FR Cite
Framework Document Availibility; Public Meeting.	12/09/13	78 FR 73737
Framework Document Comment Period Extended.	01/23/14	79 FR 3742
Framework Document Comment Period End.	02/07/14	
Preliminary Analysis.	12/00/14	
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=83.

URL For Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2013-BT-STD-0051.

Agency Contact: Lucy DeButts, Office of Buildings Technologies Program, EE–

5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov.*

RIN: 1904–AD09

DOE—EE

Proposed Rule Stage

46. Energy Efficiency Standards for Manufactured Housing

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 42 U.S.C. 17071

CFR Citation: 10 CFR 460.

Legal Deadline: Final, Statutory, December 19, 2011.

Abstract: Section 413 of EISA requires that DOE establish standards for energy efficiency in manufactured housing. See 42 U.S.C. 17071(a)(1). DOE is directed to base the energy efficiency standards on the most recent version of the International Energy Conservation Code (IECC), except where DOE finds that the IECC is not cost effective, or a more stringent standard would be more cost effective, based on the impact of the IECC on the purchase price of manufactured housing and on total life-cycle construction and operating costs. On June 13, 2014, DOE published a notice of intent to establish a negotiated rulemaking working group for the manufactured housing rulemaking under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency of manufactured homes (79 FR 33873). The purpose of the working group is to discuss and, if possible, reach consensus on a proposed rule for the energy efficiency of manufactured homes.

Statement of Need: EISA requires DOE to establish minimum energy efficiency standards for manufactured housing.

Summary of Legal Basis: Section 413 of EISA 2007, 42 U.S.C. 17071, directs DOE to develop and publish energy standards for manufactured housing.

Alternatives: The statute requires DOE to conduct a rulemaking to establish standards based on the most recent version of the International Energy Conservation Code (IECC), except in cases in which the Secretary finds that the IECC is not cost effective or a more stringent standard would be more cost effective based on the impact of the IECC on the purchase price of manufactured housing and on total lifecycle construction and operating costs.

Anticipated Cost and Benefits: Because DOE has not yet proposed energy efficiency standards, DOE cannot provide an estimate of combined aggregate costs and benefits for these actions. DOE will, however, in compliance with all applicable law, issue standards that provide for increased energy efficiency that are economically justified. Estimates of energy savings will be provided when DOE issues the notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/10	75 FR 7556
ANPRM Comment Period End.	03/24/10	
Request for Information.	06/25/13	78 FR 37995
NPRM	11/00/14	
Extension of Term; Notice of Public Meeting.	10/01/14	79 FR 59154
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

URL For More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=97.

URL For Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2009-BT-BC-0021.

Agency Contact: Joseph Hagerman, Office of Building Technologies, EE–2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, *Phone:* 202 586–4549, *Email: joseph.hagerman@ee.doe.gov.*

RIN: 1904–AC11

DOE—EE

47. Energy Conservation Standards for Residential Non–weatherized Gas Furnaces

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: 42 U.S.C. 6295(f)(4)(e); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)

CFR Citation: 10 CFR 430.

Legal Deadline: NPRM, Judicial, April 24, 2015, One year after issuance of the proposed rule. Final, Judicial, April 24, 2016.

Abstract: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnaces. EPCA also requires the DOE to periodically determine whether more-stringent amended standards would be technologically feasible and economically justified and would save a significant amount of energy. DOE is amending its energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces in partial fulfillment of a court-ordered remand of DOE's 2011 rulemaking for these products.

Statement of Need: EPCA requires minimum energy efficiency standards for certain appliances and commercial equipment, including residential furnaces.

Summary of Legal Basis: Title III of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles. Pursuant to EPCA, any new or amended energy conservation standard that the U.S. Department of Energy (DOE) prescribes for certain products, such as residential furnaces, shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified (42 U.S.C. 6295(o)(2)(A)) and result in a significant conservation of energy (42 U.S.C. 6295(o)(3)(B)).

Alternatives: The statute requires DOE to conduct rulemakings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, DOE conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified by the statute.

Anticipated Cost and Benefits: Because DOE has not yet proposed energy efficiency standards, DOE cannot provide an estimate of combined aggregate costs and benefits for these actions. DOE will, however, in compliance with all applicable laws, issue standards that provide for increased energy efficiency that are economically justified. Estimates of energy savings will be provided when

DOE issues the notice of proposed rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	10/30/14	79 FR 64517
NPRM	12/00/14	
Final Action	12/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State.

Federalism: Undetermined.

URL For More Information: www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/72.

URL For Public Comments: www.regulations.gov.

Agency Contact: John Cymbalsky, Office of Building Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD20

BILLING CODE 6450–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Statement of Regulatory Priorities for Fiscal Year 2015

As the Federal agency with lead responsibility for protecting the health of all Americans and for providing supportive services for vulnerable populations, the Department of Health and Human Services (HHS) implements programs that strengthen the health care system; advance scientific knowledge and innovation; improve the health, safety, and well-being of the American people; and strengthen the Nation's health and human services infrastructure.

The Department's regulatory priorities for Fiscal Year 2015 reflect this complex mission through planned rulemakings structured to: Further increase access to health care for all Americans, especially by strengthening the Medicare, Medicaid and Children's Health Insurance programs; build from previous experiences to safeguard the Nation's food supply; provide consumers with information to help them make healthy choices; and marshal the best research and technology available to streamline and modernize the health care delivery and medical-product availability systems. The following overview highlights forthcoming rulemakings exemplifying these priorities.

Encouraging Delivery System Reforms To Ensure Consumer Access to High Quality, Affordable Care

The Affordable Care Act expands access to health insurance through improvements in Medicaid, the establishment of Affordable Insurance Exchanges, and coordination between Medicaid, the Children's Health Insurance Program, and the Exchanges. A forthcoming final rule will bring to completion regulatory provisions that support our efforts to assist States in implementing Medicaid eligibility determinations, appeals, enrollment changes, and other State health subsidy programs stemming from the Affordable Care Act. The intent of the rule is to afford each State substantial discretion in the design and operation of that State's exchange, with standardization provided only where directed by the Act or where there are compelling practical, efficiency or consumer-protection reasons.

A forthcoming proposed rule would establish policies related to ''Stage 3'' of the Medicare/Medicaid Electronic Health Record (EHR) Incentive Programs. The rule is necessary to further implement provisions of the American Recovery and Reinvestment Act that provide incentive payments to eligible providers, hospitals, and critical access hospitals participating in Medicare and Medicaid programs that adopt certified EHR technology. The proposal will offer for comment specific criteria that these providers and facilities would need to meet in order to successfully demonstrate ''meaningful use,'' focusing on advanced use of EHR technology to promote improved outcomes for patients.

The Mental Health Parity and Addiction Equity Act (MHPAEA) requires parity between mental health or substance use disorder benefits and medical/surgical benefits, with respect to financial requirements and treatment limitations under group health plans. A new proposed rule would build on the 2013 final rule implementing MHPAEA by proposing standards for Medicaid alternative benefit plans, Medicaid managed care organizations, and the Children's Health Insurance Program.

Another proposed rule would revise the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs. The proposed changes are necessary to reflect advances in the theory and practice of service delivery and safety for patients in long-term care settings. The proposals are also an integral part of our efforts to achieve broad-based improvements both in the quality of health care furnished through Federal programs, and in patient safety, while at the same time reducing procedural burdens on providers.

In addition, nine Medicare payment rules will be updated to better reflect the current state of medical practice and to respond to feedback from providers seeking financial predictability and flexibility to better serve patients.

Streamlining Regulations Through Retrospective Review

Consistent with the President's Executive Order 13563, ''Improving Regulation and Regulatory Review,'' the Department remains committed to reducing regulatory burden on States, health care providers and suppliers, and other regulated entities by updating current rules to align them with emerging health and safety standards, and by eliminating outdated procedural provisions.

For example, CMS will continue its retrospective review efforts by finalizing an April 2014, proposal to amend the fire safety standards for hospitals, long-term care facilities, ambulatory surgery centers, and a variety of other inpatient care settings. Further, this rule will adopt the most recent edition of the Life Safety Code (LSC) and eliminate references in our regulations to all earlier editions, which will give clear guidance to providers and institutions for these important safety standards.

Similarly, a forthcoming final rule from the Administration for Children and Families (ACF) will provide the first comprehensive update of Child Care and Development Fund (CCDF) regulations since 1998. The CCDF is a Federal program that provides formula grants to States, territories, and tribes. The program provides financial assistance to low-income families to access child care so that they can work or attend a job-training or educational program. It also provides funding to improve the quality of child care and increase the supply and availability of child care for all families, including those who receive no direct assistance through CCDF.

Another ACF effort would modify existing Head Start performance standards to take into account increased knowledge in the early childhood field since the standards were last updated more than 15 years ago. Changes would strengthen requirements on curriculum and assessment, supervision, health and safety, and governance. The notice of proposed rulemaking would also streamline existing regulations to

eliminate unnecessary or duplicative requirements.

Additionally, the Department, in collaboration with the President's Office of Science and Technology Policy will propose revisions to existing rules governing research on human subjects, often referred to as the Common Rule. This rule would apply to institutions and researchers supported by HHS as well as researchers throughout much of the Federal Government who are conducting research involving human subjects. The proposed revisions will aim to better protect human subjects while facilitating research, and also reducing burden, delay, and ambiguity for investigators.

Helping Consumers Identify Healthy Choices in the Marketplace

Since 1980, the prevalence of obesity among children and adolescents has almost tripled. Obesity has both immediate and long-term effects on the health and quality of life of those affected, increasing their risk for chronic diseases, including heart disease, type 2 diabetes, certain cancers, stroke, and arthritis—as well as increasing medical costs for the individual and the health system. Building on the momentum of the First Lady's ''Let's Move'' initiative, HHS has mobilized skills and expertise from across the Department to address this epidemic with research, public education, and public health strategies.

Adding to this effort, the Food and Drug Administration (FDA) plans to issue four final rules designed to provide more useful, easy to understand dietary information tools that will help millions of American families identify healthy choices in the marketplace. These rules, each benefiting from input received in extended public comment periods, will:

- Require restaurants and similar retail food establishments with 20 or more locations to list calorie content information for standard menu items on restaurant menus and drive-through menu boards. Other nutrient information—total calories, fat, saturated fat, cholesterol, sodium, total carbohydrates, sugars, fiber, and total protein—would have to be made available in writing upon request;
- Require vending machine operators who own or operate 20 or more vending machines to disclose calorie content for some items. The Department anticipates that such information will ensure that patrons of chain restaurants and vending machines have access to essential nutrition information;
- Revise the nutrition and supplement facts labels on packaged food, which has not been updated since 1993 when mandatory nutrition labeling of food was first required. The aim of the proposed revision is to provide updated and easier to read nutrition information on the label to help consumers maintain healthy dietary practices; and
- Update the serving-size information provided within the food label, providing current nutrition information based on the amount of food that is typically eaten as a serving, to assist consumers in maintaining healthy dietary practices.

Implementing the Food Safety Modernization Act

FDA will maintain the agency's ongoing effort to promulgate rules required under the Food Safety Modernization Act (FSMA), working with public and private partners to build a new system of food safety oversight. Responding to extensive feedback from stakeholders, the agency recently issued for further public comment supplemental proposals structured to:

- Establish preventive controls in the manufacture and distribution of human foods and of animal feeds. These regulations constitute the heart of the FSMA food safety program by instituting uniform practices for the manufacture and distribution of food products, to ensure that those products are safe for consumption and will not cause or spread disease.
- Ensure that produce sold in the United States meets rigorous safety standards. The regulation would set enforceable, science-based standards for the safe production and harvesting of fresh produce at the farm and the packing house, to minimize the risk of adverse health consequences.
- Require food importers to establish a verification program to improve the safety of food imported into the United States. Specifically, FDA will outline proposed standards that foreign food suppliers must meet to ensure that imported food is produced in a manner that is as safe as food produced in the United States.

Reducing Tobacco Use

In 2009, Congress enacted the Family Smoking Prevention and Tobacco Control Act, authorizing FDA to regulate the manufacture, marketing, and distribution of tobacco products, to protect the public health and to reduce tobacco use by minors. In the coming fiscal year, benefiting from public scrutiny of an April 2014, regulatory proposal, FDA plans to issue a final rule that will clarify which products containing tobacco, in addition to cigarettes, are subject to the Agency's oversight. This rule would also allow FDA to establish regulatory standards on the sale and distribution of tobacco products, such as age-related access restrictions on advertising and promotion, as appropriate, to protect public health.

Modernizing Medical-Product Safety and Availability

In 2012, Congress provided new authorities under the Food and Drug Administration Safety and Innovation Act to support its mission of safeguarding the quality of medical products available to the public while ensuring the availability of innovative products. FDA is implementing this new authority with a focus on protecting the quality of medical products in the global drug supply chain; improving the availability of needed drugs and devices; and promoting better-informed decisions by health professionals and patients.

For example, the Agency plans to issue a final rule this year to require manufacturers of certain drugs, such as drugs used for cancer treatments, anesthesia drugs, and other drugs that are critical to the treatment of serious diseases and life-threatening conditions, to report discontinuances or interruptions in the manufacturing of these products. This rule will help FDA address and potentially prevent drug shortages, and it will help inform providers and public health officials earlier about potential drug shortages.

Another forthcoming final rule will update FDA's regulations to reflect the increased use of generic drugs in the current marketplace, and will describe approaches for brand name and generic drug manufacturers to update product labeling. This rule will revise and clarify procedures for updates to product labeling to reflect certain types of newly acquired safety information through submission of a ''changes being effected'' supplement.

Reducing Gun Violence

As part of the President's continuing efforts to reduce gun violence, HHS will issue a final rule to remove unnecessary legal barriers under the HIPAA Privacy Rule that may prevent States from reporting certain information to the National Instant Criminal Background Check System (NICS). The NICS helps to ensure that guns are not sold to those prohibited by law from having them, including felons, those convicted of domestic violence, and individuals involuntarily committed to a mental institution. However, the background check system is only as effective as the

information that is available to it. The rule will give States and certain covered entities added flexibility to ensure accurate but limited information is reported to the NICS, which would not include clinical, diagnostic, or other mental health information. Instead, certain covered entities would be permitted to disclose the minimum necessary identifying information about individuals who have been involuntarily committed to a mental institution or otherwise have been determined by a lawful authority to be a danger to themselves or others.

HHS—FOOD AND DRUG ADMINISTRATION (FDA)

Proposed Rule Stage

48. Current Good Manufacturing Practice and Hazard Analysis and Risk–Based Preventive Controls for Food for Animals

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 350c; 21 U.S.C. 350d note; 21 U.S.C. 350g; 21 U.S.C. 350g note; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 264; 42 U.S.C. 243; 42 U.S.C. 271;

CFR Citation: 21 CFR 507.

Legal Deadline: Final, Statutory, July 2012. Final, Judicial, August 30, 2015.

The FDA Food Safety Modernization Act (FSMA) mandates that FDA promulgate final regulations to establish preventive controls not later than 18 months after the date of enactment of FSMA. Certain requirements regarding standards for pet food and other animal feeds mandated by the FDA Amendment Act of 2007 will be subsumed in the FSMA rulemaking. Per consent decree, FDA will submit the final rule to the **Federal Register** for publication by 08/30/2015.

Abstract: This rule establishes requirements for good manufacturing practice, and requires that certain facilities establish and implement hazard analysis and risk-based preventive controls for animal food, including ingredients and mixed animal feed. This action is intended to provide greater assurance that food for all animals, including pets, is safe.

Statement of Need: Regulatory oversight of the animal food industry has traditionally been limited and focused on a few known safety issues so there could be problems that remain unaddressed potentially affecting animal health. The massive pet food recall due to adulteration with melamine and cyanuric acid in 2007 is an example. Actions taken by two protein suppliers in China affected a large number of pet food manufacturers in the United States and created a nationwide problem. By the time the cause of the problem was identified melamine- and cyanuric-acid contaminated ingredients had resulted in the adulteration of millions of individual servings of pet food sickening and killing pets. Salmonella contaminated pet food has been the cause of illness in humans: In 2007 people became ill handling pet food contaminated with a rare Salmonella serotype; over 200 people in the United Kingdom and United States became ill from handling Salmonella contaminated frozen mice (used for pet food) that came from a U.S. facility; and people were infected with Salmonella in 2012 that originated from contaminated dog and cat food. Other animal food recalls have resulted from contamination with aflatoxins, dioxins excessive vitamin D, and insufficient thiamine. Congress passed FSMA which the President signed into law on January 4, 2011 (Pub. L. 111–353). Section 103 of FSMA amended the Federal Food Drug and Cosmetic Act (FD&C Act) by adding section 418 (21 U.S.C. 350g) Hazard Analysis and Risk-Based Preventive Controls. In enacting FSMA Congress sought to improve the safety of food in the United States by taking a risk-based approach to food safety emphasizing prevention. Section 418 of the FD&C Act requires owners, operators, or agents in charge of food facilities to develop and implement a written hazard analysis and preventive controls to significantly minimize or prevent the occurrence of hazards and help prevent adulteration of food.

Summary of Legal Basis: FDA's authority for issuing this rule is provided in FSMA (Pub. L. 111–353), which amended the FD&C Act by establishing section 418, which directed FDA to publish implementing regulations. FSMA also amended section 301 of the FD&C Act to add 301(uu) that states the operation of a facility that manufactures, processes, packs, or holds food for sale in the United States, if the owner, operator, or agent in charge of such facility is not in compliance with section 418 of the FD&C Act, is a prohibited act. FDA is also issuing this rule under the certain provisions of section 402 of the FD&C Act (21 U.S.C. 342) regarding adulterated food. In addition, section 701(a) of the FD&C Act (21 U.S.C. 371(a)) authorizes the Agency to issue regulations for the efficient enforcement of the Act. To the extent the regulations are related to communicable disease, FDA's legal authority also derives from sections 311, 361, and 368 of the Public Health Services Act (42 U.S.C. 243, 264, and 271). Finally, FDA is acting under the direction of section 1002(a) of title X of FDAAA of 2007 (21 U.S.C. 2102) which requires the Secretary to establish processing standards for pet food.

Alternatives: The Food Safety Modernization Act requires FDA to promulgate regulations to establish hazard analyses and risk-based preventive controls.

Anticipated Cost and Benefits: The benefits of the proposed rule would be fewer cases of contaminated animal food. Discovering contaminated food ingredients before they are used in a finished product would reduce the number of recalls of contaminated animal food products. Benefits would include reduced medical treatment costs for animals, reduced loss of market value of livestock, reduced loss of animal companionship, and reduced loss in value of animal food. More stringent requirements for animal food manufacturing would maintain public confidence in the safety of animal food, and protect animal and human health. FDA lacks sufficient data to quantify the benefits of the proposed rule. The compliance costs of the proposed rule would result from the additional labor and capital required to perform the hazard analyses, write and implement the preventive controls, monitor and verify the preventive controls, take corrective actions if preventive controls fail to prevent food from becoming contaminated, and implement the current good manufacturing practice regulations.

Risks: FDA is proposing this rule to provide greater assurance that food intended for animals is safe, and will not cause illness or injury to animals. This rule would implement a risk-based, preventive controls food safety system intended to prevent animal food containing hazards, which may cause illness or injury to animals or humans, from entering the food supply. The rule would apply to domestic and imported animal food (including raw materials and ingredients). Fewer cases of animal food contamination would reduce the risk of serious illness and death to animals.

Timetable:

Action	Date	FR Cite
NPRM	10/29/13	78 FR 64736

Action	Date	FR Cite
NPRM Comment Period Extension.	02/03/14	79 FR 6111
NPRM Comment Period End.	02/26/14	
NPRM Comment Period Extension End.	03/31/14	
Supplemental NPRM.	09/29/14	79 FR 58475
Supplemental NPRM Comment Period End.	12/15/14	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: State.

Federalism: This action may have federalism implications as defined in EO 13132.

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RIN: 0910–AG10

HHS—FDA

49. Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 350h; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353 (signed on January 4, 2011)

CFR Citation: 21 CFR 112.

Legal Deadline: Final, Judicial, October 2015.

Abstract: This rule will establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death. The purpose of the rule is to reduce the risk of illness associated with fresh produce.

Statement of Need: FDA is taking this action to meet the requirements of the FSMA and to address the food safety challenges associated with fresh produce and, thereby, protect the public health. Data indicate that between 1973 and 1997, outbreaks of foodborne illness in the U.S. associated with fresh produce increased in absolute numbers and as a proportion of all reported foodborne illness outbreaks. The Agency issued general good agricultural practice guidelines for fresh fruits and vegetables over a decade ago. Incorporating prevention-oriented public health principles, and incorporating what we have learned in the past decade into a regulation is a critical step in establishing standards for the production and harvesting of produce, and reducing the foodborne illness attributed to fresh produce.

Summary of Legal Basis: FDA is relying on the amendments to the Federal Food, Drug, and Cosmetic Act (the FD&C Act), provided by section 105 of the Food Safety Modernization Act (codified primarily in section 419 of the FD&C Act (21 U.S.C. 350h)). FDA's legal basis also derives in part from sections 402(a)(3), 402(a)(4), and 701(a) of the FD&C Act (21 U.S.C. 342(a)(3), 342(a)(4), and 371(a)). FDA also intends to rely on section 361 of the Public Health Service Act (PHS Act) (42 U.S.C. 264), which gives FDA authority to promulgate regulations to control the spread of communicable disease.

Alternatives: Section 105 of the Food Safety Modernization Act requires FDA to conduct this rulemaking.

Anticipated Cost and Benefits: FDA estimates that the costs to more than 300,000 domestic and foreign producers and packers of fresh produce from the proposal would include one-time costs (*e.g.,* new tools and equipment) and recurring costs (*e.g.,* monitoring, training, recordkeeping). FDA anticipates that the benefits would be a reduction in foodborne illness and deaths associated with fresh produce. The monetized annual benefits of this rule are estimated to be $1 billion, and the monetized annual costs are estimated to be $460 million, domestically.

Risks: This regulation would directly and materially advance the Federal Government's substantial interest in reducing the risks for illness and death associated with foodborne infections associated with the consumption of fresh produce. Less restrictive and less comprehensive approaches have not been sufficiently effective in reducing the problems addressed by this regulation. FDA anticipates that the regulation would lead to a significant decrease in foodborne illness associated with fresh produce consumed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/16/13	78 FR 3503
NPRM Comment Period End.	05/16/13	
NPRM Comment Period Extended.	04/26/13	78 FR 24692
NPRM Comment Period Extended End.	09/16/13	
NPRM Comment Period Extended.	08/09/13	78 FR 48637
NPRM Comment Period Extended End.	11/15/13	
Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Rule.	08/19/13	78 FR 50358
Notice of Intent To Prepare Environmental Impact Statement for the Proposed Rule Comment Period End.	11/15/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69605
NPRM Comment Period Extended End.	11/22/13	
Environmental Impact Statement for the Proposed Rule; Comment Period Extended.	03/11/14	79 FR 13593
Environmental Impact Statement for the Proposed Rule; Comment Period Extended End.	04/18/14	
Supplemental NPRM.	09/29/14	79 FR 58433
Supplemental NPRM Comment Period End.	12/15/14	
Final Rule	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None

Agency Contact: Samir Assar, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1636, *Email: samir.assar@fda.hhs.gov.*

RIN: 0910–AG35

HHS—FDA

50. Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353 (signed on Jan. 4, 2011)

CFR Citation: 21 CFR 117.

Legal Deadline: Final, Statutory, July 4, 2012, Final rule must be published no later than 18 months after the date of enactment of the FDA Food Safety Modernization Act.

Abstract: This rule would require a food facility to have and implement preventive controls to significantly minimize or prevent the occurrence of hazards that could affect food manufactured, processed, packed, or held by the facility. This action is intended to prevent or, at a minimum, quickly identify foodborne pathogens before they get into the food supply.

Statement of Need: FDA is taking this action to meet the requirements of FSMA and to better address changes that have occurred in the food industry and thereby protect public health. High-profile outbreaks of foodborne illness over the last decade and data showing that such illnesses strike one in six Americans each year have caused a widespread recognition that we need a new modern food safety system that prevents food safety problems in the first place not a system that just reacts once they happen. Section 103 of FSMA amended the Federal Food Drug and Cosmetic Act (FD&C Act) by adding section 418 (21 U.S.C. 350g) Hazard Analysis and Risk Based Preventive Controls. In enacting FSMA Congress sought to improve the safety of food in the United States by taking a risk-based approach to food safety emphasizing prevention. Section 418 of the FD&C Act requires owners operators or agents in charge of food facilities to develop and implement a written plan that describes and documents how their facility will implement the hazard analysis and preventive controls required by this section. In addition to containing new provisions requiring hazard analysis and risk-based preventive controls this rule would also revise the existing Current Good Manufacturing Practice (CGMP) requirements found in 21 CFR part 110 that were last updated in 1986.

Summary of Legal Basis: FDA is relying on section 103 of the FSMA. FDA is also relying on sections 402(a)(3), (a)(4) and 701(a) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 342(a)(3), (a)(4), and 371(a)). Under section 402(a)(3) of the FD&C Act, a food is adulterated if it consists in whole, or in part, of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food. Under section 402(a)(4), a food is adulterated if it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or may have been rendered injurious to health. Under section 701(a) of the FD&C Act, FDA is authorized to issue regulations for the efficient enforcement of the FD&C Act. FDA's legal basis also derives from section 361 of the Public Health Service Act (PHS Act) (42 U.S.C. 264), which gives FDA authority to promulgate regulations to control the spread of communicable disease.

Alternatives: An alternative to this rulemaking is not to update the CGMP regulations, and instead issue separate regulations to implement the FDA Food Safety Modernization Act.

Anticipated Cost and Benefits: FDA estimates that the costs from the proposal to domestic and foreign producers and packers of processed foods would include new one-time costs (*e.g.,* adoption of written food safety plans, setting up training programs, implementing allergen controls, and purchasing new tools and equipment) and recurring costs (*e.g.,* auditing and monitoring suppliers of sensitive raw materials and ingredients, training employees, and completing and maintaining records used throughout the facility). FDA anticipates that the benefits would be a reduced risk of foodborne illness and death from processed foods, and a reduction in the number of safety-related recalls.

Risks: This regulation will directly and materially advance the Federal Government's substantial interest in reducing the risks for illness and death associated with foodborne infections. Less restrictive and less comprehensive approaches have not been effective in reducing the problems addressed by this regulation. The regulation will lead to a significant decrease in foodborne illness in the U.S.

Timetable:

Action	Date	FR Cite
NPRM	01/16/13	78 FR 3646
NPRM Comment Period End.	05/16/13	
NPRM Comment Period Extended.	04/26/13	78 FR 24691
NPRM Comment Period Extended End.	09/16/13	
NPRM Comment Period Extended.	08/09/13	78 FR 48636
NPRM Comment Period Extended End.	11/15/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69604
NPRM Comment Period Extended End.	11/22/13	
Supplemental NPRM.	09/29/14	79 FR 58523
Supplemental NPRM Comment Period End.	12/15/14	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

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RIN: 0910–AG36

HHS—FDA

51. Reports of Distribution and Sales Information for Antimicrobial Active Ingredients Used in Food–Producing Animals

Priority: Other Significant.

Legal Authority: 21 U.S.C. 360b(l)(3)

CFR Citation: 21 CFR 514.80.

Legal Deadline: None.

Abstract: This proposed rule would require that the sponsor of each approved or conditionally approved antimicrobial new animal drug product submit an annual report to the Food and Drug Administration (FDA or Agency) on the amount of each antimicrobial active ingredient in the drug product that is sold or distributed for use in food-producing animals, including any distributor-labeled product. In addition to codifying these requirements, FDA is exploring other requirements for the collection of additional drug distribution data.

Statement of Need: Section 105 of the Animal Drug User Fee Amendments of 2008 (ADUFA) amended section 512 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) to require that the sponsor of each approved or conditionally appoved new animal drug

product that contains an antimicrobial active ingredient submit an annual report to FDA on the amount of each antimicrobial active ingredient in the drug product that is sold or distributed for use in food-producing animals, including information on any distributor-labeled product. This legislation was enacted to assist FDA in its continuing analysis of the interactions (including drug resistance), efficacy, and safety of antibiotics approved for use in both humans and food-producing animals (H. Rpt. 110–804). This proposed rulemaking is to codify these requirements. In addition, FDA is exploring the establishment of other reporting requirements to provide for the collection of additional drug distribution data, including reporting sales and distribution data by species.

Summary of Legal Basis: Section 105 of ADUFA (Pub. L. 110–316; 122 Stat. 3509) amended section 512 of the FD&C Act (21 U.S.C. 360b) to require that sponsors of approved or conditionally approved applications for new animal drugs containing an antimicrobial active ingredient submit an annual report to the Food and Drug Administration on the amount of each such ingredient in the drug that is sold or distributed for use in food-producing animals, including information on any distributor-labeled product. FDA is also issuing this rule under its authority under section 512(l) of the FD&C Act to collect information relating to approved new animal drugs.

Alternatives: This rulemaking codifies the congressional mandate of ADUFA section 105. The annual reporting required under ADUFA section 105 is necessary to address potential problems concerning the safety and effectiveness of antimicrobial new animal drugs. Less frequent data collection would hinder this purpose.

Anticipated Cost and Benefits: Sponsors of antimicrobial drugs sold for use in food-producing animals currently report sales and distribution data to the Agency under section 105 of ADUFA; this rulemaking will codify in FDA's regulations a current statutory requirement. There may be a minimal additional labor cost if any other reporting requirement is proposed. Additional data beyond the reporting requirements specified in ADUFA section 105 will help the Agency better understand how the use of medically important antimicrobial drugs in food-producing animals may relate to antimicrobial resistance.

Risks: Section 105 of ADUFA was enacted to address the problem of antimicrobial resistance, and to help ensure that FDA has the necessary information to examine safety concerns related to the use of antibiotics in food-producing animals. 154 Congressional Record H7534.

Timetable:

Action	Date	FR Cite
ANPRM	07/27/12	77 FR 44177
ANPRM Comment Period End.	09/25/12	
ANPRM Comment Period Extended.	09/26/12	77 FR 59156
ANPRM Comment Period End.	11/26/12	
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: None.

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RIN: 0910–AG45

HHS—FDA

52. Foreign Supplier Verification Program

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 384a; title III, sec 301 of FDA Food Safety Modernization Act, Pub. L. 111–353, establishing sec 805 of the Federal Food, Drug, and Cosmetic Act (FD&C Act)

CFR Citation: Not Yet Determined.

Legal Deadline: Final, Statutory, January 4, 2012.

Abstract: This rule describes what a food importer must do to verify that its foreign suppliers produce food that is as safe as food produced in the United States. FDA is taking this action to improve the safety of food that is imported into the United States.

Statement of Need: The proposed rule is needed to help improve the safety of food that is imported into the United States. Imported food products have increased dramatically over the last several decades. Data indicate that about 15 percent of the U.S. food supply is imported. FSMA provides the Agency with additional tools and authorities to help ensure that imported foods are safe for U.S. consumers. Included among these tools and authorities is a requirement that importers perform risk-based foreign supplier verification activities to verify that the food they import is produced in compliance with U.S. requirements, as applicable, and is not adulterated or misbranded. This proposed rule on the content of foreign supplier verification programs (FSVPs) sets forth the proposed steps that food importers would be required to take to fulfill their responsibility to help ensure the safety of the food they bring into this country.

Summary of Legal Basis: Section 805(c) of the FD&C Act (21 U.S.C. 384a(c)) directs FDA, not later than 1 year after the date of enactment of FSMA, to issue regulations on the content of FSVPs. Section 805(c)(4) states that verification activities under such programs may include monitoring records for shipments, lot-by-lot certification of compliance, annual onsite inspections, checking the hazard analysis and risk-based preventive control plans of foreign suppliers, and periodically testing and sampling shipments of imported products. Section 301(b) of FSMA amends section 301 of the FD&C Act (21 U.S.C. 331) by adding section 301(zz), which designates as a prohibited act the importation or offering for importation of a food if the importer (as defined in section 805) does not have in place an FSVP in compliance with section 805. In addition, section 301(c) of FSMA amends section 801(a) of the FD&C Act (21 U.S.C. 381(a)) by stating that an article of food being imported or offered for import into the United States shall be refused admission if it appears, from an examination of a sample of such an article or otherwise, that the importer is in violation of section 805.

Alternatives: We are considering a range of alternative approaches to the requirements for foreign supplier verification activities. These might include: (1) establishing a general requirement that importers determine and conduct whatever verification activity would adequately address the risks associated with the foods they import; (2) allowing importers to choose from a list of possible verification mechanisms, such as the activities listed in section 805(c)(4) of the FD&C Act; (3) requiring importers to conduct particular verification activities for certain types of foods or risks (*e.g.,* for high-risk foods), but allowing flexibility in verification activities for other types of foods or risks; and (4) specifying use of a particular verification activity for each particular kind of food or risk. To the extent possible while still ensuring that verification activities are adequate to ensure that foreign suppliers are

producing food in accordance with U.S. requirements, we will seek to give importers the flexibility to choose verification procedures that are appropriate to adequately address the risks associated with the importation of a particular food, and accounted for in the proposed rules that contain these requirements.

Anticipated Cost and Benefits: We are still estimating the cost and benefits for this proposed rule. However, the available information suggests that, if finalized, the costs will be significant. Our preliminary analysis of FY10 OASIS data suggests that this rule will cover about 60,000 importers, 240,000 unique combinations of importers and foreign suppliers, and 540,000 unique combinations of importers, products, and foreign suppliers. These numbers imply that provisions that require activity for each importer, each unique combination of importer and foreign supplier, or each unique combination of importer, product, and foreign supplier will generate significant costs. An example of a provision linked to combinations of importers and foreign suppliers would be a requirement to conduct a verification activity, such as an onsite audit, under certain conditions. The cost of onsite audits will depend, in part, on whether foreign suppliers can provide the same onsite audit results to different importers, or whether every importer will need to take some action with respect to each of their foreign suppliers. The benefits of this proposed rule will consist of the reduction of adverse health events linked to imported food that could result from increased compliance with applicable requirements, and are accounted for in the proposed rules that contain those requirements and are accounted for in the proposed rules that contain those requirements.

Risks: As stated above, about 15 percent of the U.S. food supply is imported, and many of these imported foods are high-risk commodities. According to recent data from the Centers for Disease Control and Prevention, each year, about 48 million Americans get sick, 128,000 are hospitalized, and 3,000 die from foodborne diseases. We expect that the adoption of FSVPs by food importers will benefit the public health by helping to ensure that imported food is produced in compliance with other applicable food safety regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/29/13	78 FR 45729
NPRM Comment Period End.	11/26/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69602
NPRM Comment Period Extended End.	01/27/14	
Supplemental NPRM.	09/29/14	79 FR 58573
Supplemental NPRM Comment Period End.	12/15/14	
Final Rule	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Brian L. Pendleton, Senior Policy Advisor, Department of Health and Human Services, Food and Drug Administration, Office of Policy, WO 32, Room 4245, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–4614, *Fax:* 301 847–8616, *Email: brian.pendleton@fda.hhs.gov*.

RIN: 0910–AG64

HHS—FDA

Final Rule Stage

53. ''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 301 *et seq.;* The Federal Food, Drug, and Cosmetic Act; Pub. L. 111–31; The Family Smoking Prevention and Tobacco Control Act

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) provides the Food and Drug Administration (FDA) authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco products to be subject to the FD&C Act. This rule would deem additional products meeting the statutory definition of ''tobacco product'' to be subject to the FD&C Act, and would specify additional restrictions.

Statement of Need: Currently, the Tobacco Control Act provides FDA with immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Tobacco Control Act also permits FDA to issue regulations deeming other tobacco products that meet the statutory definition of ''tobacco product'' to also be subject to the FD&C Act. This regulation is necessary to afford FDA the authority to regulate additional products which include hookah, electronic cigarettes, cigars, pipe tobacco, other novel tobacco products, and future tobacco products.

Summary of Legal Basis: Section 901 of the FD&C Act, as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco products to be subject to the FD&C Act. Section 906(d) provides FDA with the authority to propose restrictions on the sale and distribution of tobacco products, including restrictions on the access to, and the advertising and promotion of, tobacco products if FDA determines that such regulation would be appropriate for the protection of the public health.

Alternatives: In addition to the benefits and costs of both options for the proposed rule, FDA assessed the benefits and costs of several alternatives to the proposed rule: *e.g.,* deeming only, but exempt newly-deemed products from certain requirements; exempt certain classes of products from certain requirements; deeming only, with no additional provisions; and changes to the compliance periods.

Anticipated Cost and Benefits: The proposed rule consists of two coproposals, option 1 and option 2. The proposed option 1 deems all products meeting the statutory definition of ''tobacco product'' except accessories of a proposed deemed tobacco product to be subject to chapter IX of the FD&C Act. Option 1 also proposes additional provisions that would apply to proposed deemed products as well as to certain other tobacco products. Option 2 is the same as option 1 except that it exempts premium cigars. We expect that asserting our authority over these tobacco products will enable us to take further regulatory action in the future as appropriate; those actions will have their own costs and benefits. The proposed rule would generate some direct benefits by providing information to consumers about the risks and

characteristics of tobacco products which may result in consumers reducing their use of cigars and other tobacco products. Other potential benefits follow from premarket requirements which could prevent more harmful products from appearing on the market and worsening the health effects of tobacco product use. The proposed rule would impose costs in the form of registration submission labeling and other requirements; other likely costs are not quantifiable based on current data.

Risks: Adolescence is the peak time for tobacco use initiation and experimentation. In recent years, new and emerging tobacco products, sometimes referred to as ''novel tobacco products,'' have been developed and are becoming an increasing concern to public health due, in part, to their appeal to youth and young adults. Non-regulated tobacco products come in many forms, including electronic cigarettes, nicotine gels, and certain dissolvable tobacco products (*i.e.,* those dissolvable products that do not currently meet the definition of smokeless tobacco under 21 U.S.C. 387(18) because they do not contain cut, ground, powdered, or leaf tobacco, and instead contain nicotine extracted from tobacco), and these products are widely available. This deeming rule is necessary to provide FDA with authority to regulate these products (*e.g.,* registration, product and ingredient listing, user fees for certain products, premarket requirements, and adulteration and misbranding provisions). In addition, the additonal restrictions that FDA seeks to promulgate for the proposed deemed products will protect youth by restricting minors' access to these products and will increase consumer understanding of the impact of these products on public health. This rule is consistent with other approaches that the Agency has taken to address the tobacco epidemic and is particularly necessary, given that consumer use may be gravitating to the proposed deemed products.

Timetable:

Action	Date	FR Cite
NPRM	04/25/14	79 FR 23142
NPRM Comment Period End.	07/09/14	
NPRM Comment Period Extended.	06/24/14	79 FR 35711
NPRM Comment Period End.	08/08/14	
Final Action	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Gerie Voss, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AG38

HHS—FDA

54. Food Labeling: Calorie Labeling of Articles of Food Sold in Vending Machines

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: FDA published a proposed rule to establish requirements for nutrition labeling of certain food items sold in certain vending machines. FDA also proposed the terms and conditions for vending machine operators registering to voluntarily be subject to the requirements. FDA is issuing a final rule, and taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act.

Statement of Need: This rulemaking was mandated by section 4205 of the Patient Protection and Affordable Care Act (Affordable Care Act).

Summary of Legal Basis: On March 23, 2010, the Affordable Care Act (Pub. L. 111–148) was signed into law. Section 4205 amended 403(q)(5) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) by, among other things, creating new clause (H) to require that vending machine operators, who own or operate 20 or more machines, disclose calories for certain food items. FDA has the authority to issue this rule under sections 403(q)(5)(H) and 701(a) of the FD&C Act (21 U.S.C. 343(q)(5)(H), and 371(a)). Section 701(a) of the FD&C Act vests the Secretary of Health and Human Services, and, by delegation, the Food and Drug Administration (FDA) with the authority to issue regulations for the efficient enforcement of the FD&C Act.

Alternatives: Section 4205 of the Affordable Care Act requires the Secretary (and by delegation, the FDA) to establish by regulation requirements for calorie labeling of articles of food sold from covered vending machines. Therefore, there are no alternatives to rulemaking. FDA has analyzed alternatives that may reduce the burden of the rulemaking, including analyzing the benefits and costs of: restricting the flexibility of the format for calorie disclosure, lengthening the compliance time, and extending the coverage of the rule to bulk vending machines without selection buttons.

Anticipated Cost and Benefits: Any vending machine operator operating fewer than 20 machines may voluntarily choose to be covered by the national standard. It is anticipated that vending machine operators that own or operate 20 or more vending machines will bear costs associated with adding calorie information to vending machines. FDA initially estimated that the total cost of complying with section 4205 of the Affordable Care Act and this rulemaking would be approximately $25.8 million initially, with a recurring cost of approximately $24 million.

Because comprehensive national data for the effects of vending machine labeling do not exist, FDA did not quantify the benefits associated with section 4205 of the Affordable Care Act and this rulemaking in the proposed rule. Some studies have shown that some consumers consume fewer calories when calorie content information is displayed at the point of purchase. Consumers will benefit from having this important nutrition information to assist them in making healthier choices when consuming food away from home. Given the very high costs associated with obesity and its associated health risks, FDA estimated that if 0.02 percent of the adult obese population reduces energy intake by at least 100 calories per week, then the benefits of section 4205 of the Affordable Care Act and this rulemaking would be at least as large as the costs.

Risks: Americans now consume an estimated one-third of their total calories from foods prepared outside the home, and spend almost half of their food dollars on such foods. This rule will provide consumers with information about the nutritional content of food to enable them to make healthier food choices, and may help mitigate the trend of increasing obesity in America.

Timetable:

Action	Date	FR Cite
NPRM	04/06/11	76 FR 19238
NPRM Comment Period End.	07/05/11	
Final Action	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal, Local, State.

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Daniel Reese, Food Technologist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2126, *Email: daniel.reese@fda.hhs.gov*.

RIN: 0910–AG56

HHS—FDA

55. Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: FDA published a proposed rule in the **Federal Register** to establish requirements for nutrition labeling of standard menu items in chain restaurants and similar retail food establishments. FDA also proposed the terms and conditions for restaurants and similar retail food establishments registering to voluntarily be subject to the Federal requirements. FDA is issuing a final rule, and taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act.

Statement of Need: This rulemaking was mandated by section 4205 of the Patient Protection and Affordable Care Act (Affordable Care Act).

Summary of Legal Basis: On March 23, 2010, the Affordable Care Act (Pub. L. 111–148) was signed into law. Section 4205 of the Affordable Care Act amended 403(q)(5) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) by, among other things, creating new clause (H) to require that certain chain restaurants and similar retail food establishments with 20 or more locations disclose certain nutrient information for standard menu items. FDA has the authority to issue this rule under sections 403(a)(1), 403(q)(5)(H), and 701(a) of the FD&C Act (21 U.S.C. 343(a)(1), 343(q)(5)(H), and 371(a)). Section 701(a) of the FD&C Act vests the Secretary of Health and Human Services, and, by delegation, the Food and Drug Administration (FDA) with the authority to issue regulations for the efficient enforcement of the FD&C Act.

Alternatives: Section 4205 of the Affordable Care Act requires the Secretary, and by delegation the FDA, to establish by regulation requirements for nutrition labeling of standard menu items for covered restaurants and similar retail food establishments. Therefore, there are no alternatives to rulemaking. FDA has analyzed alternatives that may reduce the burden of this rulemaking, including analyzing the benefits and costs of expanding and contracting the set of establishments covered by this rule, and shortening or lengthening the compliance time relative to the rulemaking.

Anticipated Cost and Benefits: Chain restaurants and similar retail food establishments covered by the Federal law operating in local jurisdictions that impose different nutrition labeling requirements will benefit from having a uniform national standard. Any restaurant or similar retail food establishment with fewer than 20 locations may voluntarily choose to be covered by the national standard. It is anticipated that chain restaurants with 20 or more locations will bear costs for adding nutrition information to menus and menu boards. FDA initially estimated that the total cost of section 4205 and this rulemaking would be approximately $80 million, annualized over 10 years, with a low annualized estimate of approximately $33 million and a high annualized estimate of approximately $125 million over 10 years. These costs (which are subject to change in the final rule) included an initial cost of approximately $320 million with an annually recurring cost of $45 million.

Because comprehensive national data for the effects of menu labeling do not exist, FDA did not quantify the benefits associated with section 4205 of the Affordable Care Act and this rulemaking. Some studies have shown that some consumers consume fewer calories when menus have information about calorie content displayed. Consumers will benefit from having important nutrition information for the approximately 30 percent of calories consumed away from home. Given the very high costs associated with obesity and its associated health risks, FDA estimated that if 0.6 percent of the adult obese population reduces energy intake by at least 100 calories per week, then the benefits of section 4205 of the Affordable Care Act and this rule would be at least as large as the costs.

Risks: Americans now consume an estimated one-third of their total calories on foods prepared outside the home, and spend almost half of their food dollars on such foods. Unlike packaged foods that are labeled with nutrition information, foods in restaurants, for the most part, do not have nutrition information that is readily available when ordered. Dietary intake data have shown that obese Americans consume over 100 calories per meal more when eating food away from home, rather than food at home. This rule will provide consumers information about the nutritional content of food to enable them to make healthier food choices, and may help mitigate the trend of increasing obesity in America.

Timetable:

Action	Date	FR Cite
NPRM	04/06/11	76 FR 19192
NPRM Comment Period End.	07/05/11	
Final Action	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal, Local, State.

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Daniel Reese, Food Technologist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2126, *Email: daniel.reese@fda.hhs.gov*.

RIN: 0910–AG57

HHS—FDA

56. Accreditation of Third-Party Auditors/Certification Bodies To Conduct Food Safety Audits and To Issue Certifications

Priority: Other Significant.

Legal Authority: 21 U.S.C. 384d; Pub. L. 111–353; sec 307 FDA Food Safety Modernization Act; other sections of FDA Food Safety Modernization Act, as appropriate; 21 U.S.C. 371; 21 U.S.C. 381; 21 U.S.C. 384b; . . .

CFR Citation: 21 CFR 1.

Legal Deadline: Final, Statutory, July 2012, Promulgate implementing regulations.

Final, Judicial, October 31, 2015.

Per Public Law 111–353, section 307, promulgate, within 18 months of enactment, certain implementing regulations for accreditation of third–party auditors to conduct food safety audits. Per consent decree, FDA will submit the final rule to the **Federal Register** for publication by 10/31/15.

Abstract: This rule establishes regulations for accreditation of third-party auditors to conduct food safety audits. FDA is taking this action to improve the safety of food that is imported into the United States.

Statement of Need: The use of accredited third-party auditors to certify food imports will assist in ensuring the safety of food from foreign origin entering U.S. commerce. Accredited third-party auditors auditing foreign facilities can increase FDA's information about foreign facilities that FDA may not have adequate resources to inspect in a particular year. FDA will establish identified standards creating overall uniformity to complete the task. Audits that result in issuance of facility certificates will provide FDA information about the compliance status of the facility. Additionally, auditors will be required to submit audit reports that may be reviewed by FDA for purposes of compliance assessment and work planning.

Summary of Legal Basis: Section 808 of the FD&C Act directs FDA to establish, not later than 2 years after the date of enactment, a system for the recognition of accreditation bodies that accredit third-party auditors, who, in turn, certify that their eligible entities meet the requirements. If within 2 years after the date of the establishment of the system, FDA has not identified and recognized an accreditation body, FDA may directly accredit third party auditors.

Alternatives: FSMA described in detail the framework for, and requirements of, the accredited third-party auditor program. Alternatives include certain oversight activities required of recognized accreditation bodies that accredit third-party auditors, as distinguished from third-party auditors directly accredited by FDA. Another alternative relates to the nature of the required standards and the degree to which those standards are prescriptive or flexible.

Anticipated Cost and Benefits: The benefits of the proposed rule would be less unsafe or misbranded food entering U.S. commerce. Additional benefits include the increased flow of credible information to FDA regarding the compliance status of foreign firms and their foods that are ultimately offered for import into the United States, which information, in turn, would inform FDA's work planning for inspection of foreign food facilities and might result in a signal of possible problems with a particular firm or its products, and with sufficient signals, might raise questions about the rigor of the food safety regulatory system of the country of origin. The compliance costs of the proposed rule would result from the additional labor and capital required of accreditation bodies seeking FDA recognition and of third-party auditors seeking accreditation to the extent that will involve the assembling of information for an application unique to the FDA third-party program. The compliance costs associated with certification will be accounted for separately under the costs associated with participation in the voluntary qualified importer program, and the costs associated with mandatory certification for high-risk food imports. The third-party program is funded through revenue neutral-user fees, which will be developed by FDA through rulemaking. User fee costs will be accounted for in that rulemaking.

Risks: FDA is proposing this rule to provide greater assurance the food offered for import into the United States is safe and will not cause injury or illness to animals or humans. The rule would implement a program for accrediting third-party auditors to conduct food safety audits of foreign food entities, including registered foreign food facilities, and based on the findings of the regulatory audit, to issue certifications to foreign food entities found to be in compliance with FDA requirements. The certifications could be used by importers seeking to participate in the Voluntary Qualified Importer Program for expedited review and entry of product, and would be a means to provide assurance of compliance as required by FDA based on risk-related considerations. The rule would apply to any foreign or domestic accreditation body seeking FDA recognition, any foreign or domestic third-party auditor seeking accreditation, any registered foreign food facility or other foreign food entity subject to a food safety audit (including a regulatory audit conducted for purposes of certification), and any importer seeking to participate in the Voluntary Qualified Importer Program. Fewer instances of unsafe or misbranded food entering U.S. commerce would reduce the risk of serious illness and death to humans and animals.

Timetable:

Action	Date	FR Cite
NPRM	07/29/13	78 FR 45781
NPRM Comment Period End.	11/26/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69603
NPRM Comment Period Extended End.	01/27/14	
Final Action	10/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Charlotte A. Christin, Acting Director, Division of Dietary Supplement Programs, Department of Health and Human Services, Food and Drug Administration, Division of Dietary Supplement Programs, Center for Food Safety and Applied Nutrition, 4D042, College Park, MD 20740, *Phone:* 240 402–3708, *Email:* *charlotte.christin@fda.hhs.gov*.

RIN: 0910–AG66

HHS—FDA

57. Revision of Postmarketing Reporting Requirements Discontinuance or Interruption in Supply of Certain Products (Drug Shortages)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: secs 506c, 506c–1, 506d, and 506f of the FDA&C Act, as amended by title X (Drug Shortages) of FDASIA, Pub. L. 112–144, July 9, 2012

CFR Citation: 21 CFR 314.81; 21 CFR 314.91.

Legal Deadline: NPRM, Statutory, January 9, 2014, Not later than 18 months after the date of enactment of FDASIA, FDA must adopt the final regulation implementing section 506C as amended.

Section 1001 of FDASIA states that not later than 18 months after the date of enactment of FDASIA, the Secretary shall adopt a final regulation implementing section 506(c) as amended.

Abstract: This rule would require manufacturers of certain drug products to report discontinuances or

interruptions in the manufacturing of these products 6 months prior to the discontinuance or interruption, or if that is not possible, as soon as practicable. Manufacturers must notify FDA of a discontinuance or interruption in the manufacture of drugs that are life-supporting, life-sustaining, or intended for use in the prevention or treatment of a debilitating disease or condition.

Statement of Need: The Food and Drug Administration Safety and Innovation Act (FDASIA), Public Law 112–144 (July 9, 2012), amends the FD&C Act to require manufacturers of certain drug products to report to FDA discontinuances or interruptions in the production of these products that are likely to meaningfully disrupt supply 6 months prior to the discontinuance or interruption, or if that is not possible, as soon as practicable. FDASIA also amends the FD&C Act to include other provisions related to drug shortages. Drug shortages have a significant impact on patient access to critical medications, and the number of drug shortages has risen steadily since 2005 to a high of 251 shortages in 2011. Notification to FDA of a shortage or an issue that may lead to a shortage is critical—FDA was able to prevent more than 100 shortages in the first 3 quarters of 2012 due to early notification. This rule will implement the FDASIA drug shortages provisions, allowing FDA to more quickly and efficiently respond to shortages, thereby improving patient access to critical medications, and promoting public health.

Summary of Legal Basis: Sections 506(c), 506(c)–1, 506(d), 506(e), and 506(f) of the FD&C Act, as amended by title X (Drug Shortages) of FDASIA.

Alternatives: The principal alternatives assessed were to provide guidance on voluntary notification to FDA, or to continue to rely on the requirements under the current interim final rule on notification. These alternatives would not meet the statutory requirement to issue the final regulation required by title X, section 1001 of FDASIA.

Anticipated Cost and Benefits: The rule would increase the modest reporting costs associated with notifying FDA of discontinuances or interruptions in the production of certain drug products. The rule would generate benefits in the form of the value of public health gains through more rapid and effective FDA responses to potential, or actual drug shortages that otherwise would limit patient access to critical medications.

Risks: Drug shortages can significantly impede patient access to critical, sometimes life-saving, medications. Drug shortages, therefore, can pose a serious risk to public health and patient safety. This rule will require early notification of potential shortages, enabling FDA to more quickly and effectively respond to potential or actual drug shortages that otherwise would limit patient access to critical medications.

Timetable:

Action	Date	FR Cite
NPRM	11/04/13	78 FR 65904
NPRM Comment Period End.	01/03/14	
Final Action	01/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Agency Contact: Valerie Jensen, Associate Director, CDER Drug Shortage Staff, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO Building 22, Room 6202, 10903 New Hampshire Avenue, Silver Spring, MD 20903, *Phone:* 301 796–0737.

RIN: 0910–AG88

HHS—FDA

58. Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products

Priority: Other Significant.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262; . . .

CFR Citation: 21 CFR 314.70; 21 CFR 314.97; 21 CFR 314.150; 21 CFR 601.12.

Legal Deadline: None.

Abstract: This rule would amend the regulations regarding new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biologics license applications (BLAs) to revise and clarify procedures for changes to the labeling of an approved drug to reflect certain types of newly acquired information in advance of FDA's review of such change.

Statement of Need: In the current marketplace, approximately 80 percent of drugs dispensed are generic drugs approved in ANDAs. ANDA holders, like NDA holders and BLA holders, are required to promptly review all adverse drug experience information obtained or otherwise received, and comply with applicable reporting and recordkeeping requirements. However, under current FDA regulations, ANDA holders are not permitted to use the CBE supplement process in the same manner as NDA holders and BLA holders to independently update product labeling with certain newly acquired safety information. This regulatory difference recently has been determined to mean that an individual can bring a product liability action for ''failure to warn'' against an NDA holder, but generally not an ANDA holder. This may alter the incentives for generic drug manufacturers to comply with current requirements to conduct robust postmarketing surveillance, evaluation, and reporting, and to ensure that their product labeling is accurate and up-to-date. Accordingly, there is a need for ANDA holders to be able to independently update product labeling to reflect certain newly acquired safety information as part of the ANDA holder's independent responsibility to ensure that its product labeling is accurate and up-to-date.

Summary of Legal Basis: The FD&C Act (21 U.S.C. 301 *et seq.*) and the PHS Act (42 U.S.C. 201 *et seq.*) provide FDA with authority over the labeling for drugs and biological products, and authorize the Agency to enact regulations to facilitate FDA's review and approval of applications regarding the labeling for those products. FDA's authority to extend the CBE supplement process for certain safety-related labeling changes to ANDA holders arises from the same authority under which FDA's regulations relating to NDA holders and BLA holders were issued.

Alternatives: FDA is considering several alternatives described in comments submitted to the public docket established for the proposed rule.

Anticipated Cost and Benefits: FDA is reviewing comments submitted to the public docket and evaluating the anticipated costs and benefits that would be associated with a final rule.

Risks: This rule is intended to remove obstacles to the prompt communication of safety-related labeling changes that meet the regulatory criteria for a CBE supplement. The rule may encourage generic drug companies to participate more actively with FDA in ensuring the timeliness, accuracy, and completeness of drug safety labeling in accordance with current regulatory requirements. FDA's posting of information on its Web site regarding the safety-related labeling changes proposed in pending CBE supplements would enhance transparency, and facilitate access by health care providers and the public so that such information may be used to inform treatment decisions.

Timetable:

Action	Date	FR Cite
NPRM	11/13/13	78 FR 67985
NPRM Comment Period End.	01/13/14	
NPRM Comment Period Extended.	12/27/13	78 FR 78796
NPRM Comment Period End.	03/13/14	
Final Rule	09/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

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RIN: 0910–AG94

HHS—FDA

59. Veterinary Feed Directive

Priority: Other Significant.

Legal Authority: 21 U.S.C. 354; 21 U.S.C. 360b; 21 U.S.C. 360ccc; 21 U.S.C. 360ccc–1; 21 U.S.C. 371

CFR Citation: 21 CFR 514; 21 CFR 558.

Legal Deadline: None.

Abstract: The Animal Drug Availability Act created a new category of products called veterinary feed directive (VFD) drugs. This rulemaking is intended to provide for the increased efficiency of the VFD program.

Statement of Need: Before 1996, two options existed for regulating the distribution of animal drugs, including drugs in animal feed: (1) Over-the-counter (OTC); and (2) prescription (Rx). In 1996, the Animal Drug Availability Act (ADAA) created a new category of products called veterinary feed directive (VFD) drugs. VFD drugs are new animal drugs intended for use in or on animal feed, which are limited to use under the professional supervision of a licensed veterinarian in the course of the veterinarian's professional practice. In order for animal feed containing a VFD drug to be used in animals, a licensed veterinarian must first issue an order, called a veterinary feed directive (or VFD), providing for such use. The Food and Drug Administration (FDA, the Agency) finalized its regulation to implement the VFD-related provisions of the ADAA in December 2000. Since that time, FDA has received informal comments that the VFD process is overly burdensome. As a result, FDA began exploring ways to improve the VFD program's efficiency. To that end, FDA published an advanced notice of proposed rulemaking on March 29, 2010 (75 FR 15387), and draft text of a proposed regulation, which it published April 13, 2012 (77 FR 22247). The proposed revisions to the VFD process are also intended to support the Agency's initiative to transition certain new animal drug products containing medically important antimicrobial drugs from an OTC status to a status that requires veterinary oversight. The proposed rule, if finalized, will make the following changes to the VFD regulations at section 558.6 (21 CFR 558.6): (1) Reorganize the VFD regulations to make them more user-friendly. This proposal will replace the six subsections of the existing regulations with three subsections that better identify what is expected from each party involved in the VFD process; (2) provide increased flexibility for licensed veterinarians and animal producers to align with the most recent practice standards, technological and medical advances, and practical considerations, to assure the safe and effective use of VFD drugs; (3) provide for the continued availability through the current feed mill distribution system of those Category I drugs that move to VFD dispensing status. This will prevent potential shortages of antimicrobial drugs needed by food animal producers for judicious therapeutic uses on their farms and ranches; and (4) lower the recordkeeping burden for all involved parties to align with other feed manufacturing recordkeeping requirements, thus eliminating the need for two separate filing systems.

Summary of Legal Basis: FDA's authority for issuing this rule is provided in the ADAA (Pub. L. 104–250), which amended the Federal Food, Drug, & Cosmetic Act (FD&C Act) by establishing section 504.

Alternatives: An alternative to the proposed rule that would ease the burden on VFD drug manufacturers would be to allow additional time to comply with the proposed labeling requirements for currently approved VFD drugs, for example, 1 or more years after the final rule becomes effective. This would not affect any new VFD drug approvals after the effective date of the final rule, and it could provide a transition period for current VFD manufacturers to coordinate the labeling changes to the specimen labeling, representative labeling, the VFD form itself, and advertising within the usual frequency of label changes.

Anticipated Cost and Benefits: The estimated one-time costs to industry from this proposed rule, if finalized, are the costs to review the rule and prepare a compliance plan. In addition, FDA estimates that the government will incur costs associated with reviewing the VFD drug labeling supplements that are expected to be submitted by the existing VFD drug manufacturers. The expected benefit of this proposal is a general improvement in the efficiency of the VFD process. Additionally, the reduction in veterinarian labor costs due to this rule is expected to result in an annual cost savings.

Risks: As FDA continues to implement the judicious use principles for medically important antimicrobial drugs based on the framework set forth in Guidance for Industry #209, which published April 13, 2012, it is critical that the Agency makes the VFD program as efficient as possible for stakeholders while maintaining adequate protection for human and animal health. The provisions included in this proposed rule are based on stakeholder input received in response to multiple opportunities for public comment, and represent FDA's best effort to strike the appropriate balance between protection of human and animal health and programmatic efficiency.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/10	75 FR 15387
ANPRM Comment Period End.	06/28/10	
NPRM	12/12/13	78 FR 75515
NPRM Comment Period End.	03/12/14	
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

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RIN: 0910–AG95

HHS—CENTERS FOR MEDICARE & MEDICAID SERVICES (CMS)

Proposed Rule Stage

60. Reform of Requirements for Long-Term Care Facilities (CMS–3260–P) (Rulemaking Resulting From a Section 610 Review)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: Pub. L. 111–148, sec 6102; 42 U.S.C. 263a; 42 U.S.C. 1302, 1395hh, 1395rr

CFR Citation: 42 CFR 405; 42 CFR 431; 42 CFR 447; 42 CFR 482; 42 CFR 483; 42 CFR 485; 42 CFR 488.

Legal Deadline: None.

Abstract: This proposed rule would revise the requirements that Long-Term Care facilities must meet to participate in the Medicare and Medicaid programs. These proposed changes are necessary to reflect the substantial advances that have been made over the past several years in the theory and practice of service delivery and safety. These proposals are also an integral part of our efforts to achieve broad-based improvements both in the quality of health care furnished through Federal programs, and in patient safety, while at the same time reducing procedural burdens on providers.

Statement of Need: CMS has not comprehensively reviewed the entire set of requirements for participation it imposes on facilities in many years. Over the years, the Agency and its stakeholders have identified problematic requirements. Accordingly, we conducted a review of the requirements in an effort to improve the quality of life, care, and services in facilities; optimize resident safety; reflect current professional standards; and improve the logical flow of the regulations. Based on our analysis, we decided to pursue those regulatory revisions that would reflect the advances that have been made in health care delivery and that would improve resident safety.

Summary of Legal Basis: The Medicare requirements for participation for long-term care facilities were published in the **Federal Register** on February 2, 1989. These regulations have been revised and added to since that time, principally as a result of legislation or a need to address a specific issue; however, they have not been comprehensively reviewed and updated since September 26, 1991, despite substantial changes in service delivery in this setting. Additionally, we are proposing to add the statutory authority citations for sections 1128I(b) and (c) of the Act to include the compliance and ethics program and Quality Assurance and Performance Improvement (QAPI) requirements under section 6102 of the Affordable Care Act.

Alternatives: The requirements for long-term care facilities have not been comprehensively updated in many years, but the effective and efficient delivery of health care services has changed substantially in that time. We could choose not to make any regulatory changes; however, we believe the changes we are proposing are necessary to ensure the requirements are consistent with current standards of practice and continue to meet statutory obligations. They will ensure that residents receive care that maintains or enhances quality of life and attains or maintains the resident's highest practicable physical, mental, and psychosocial well-being.

Anticipated Cost and Benefits: This proposed rule would implement comprehensive changes intended to update the current requirements for long-term care facilities and create new efficiencies and flexibilities for facilities. In addition, these changes will support improved resident quality of life and quality of care. Many of the quality of life improvements we are proposing are grounded in the concepts of person-centered care and culture change. These changes not only result in improved quality of life for the resident, but can result in improvements in the caregiver's quality of work life and in savings to the facility. Savings can be accrued through reduced turnover, decreased use of agency labor and decreased worker compensation costs. Facilities may also benefit from improved bed occupancy rates. As we move toward publication, estimates of the cost and benefits of these important initiatives will be included in the rule.

Risks: None. The proposed requirements in this rule would update the existing requirements for long-term care facilities to reflect current standards of practice. In addition, proposed changes would provide added flexibility to providers, improve efficiency and effectiveness, enhance resident quality of care and quality of life, and potentially improve clinical outcomes.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: State.

Additional Information: Includes Retrospective Review under E.O. 13563.

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RIN: 0938–AR61.

HHS—CMS

61. Mental Health Parity and Addiction Equity Act of 2008; The Application to Medicaid Managed Care, Chip, And Alternative Benefit Plans (CMS–2333–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: 42 U.S.C. 1302; Pub. L. 110–343; Pub. L. 111–148, Sec 2001

CFR Citation: 42 CFR 438; 42 CFR 440; 42 CFR 456; 42 CFR 457.

Legal Deadline: None.

Abstract: This proposed rule would address the requirements under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) to Medicaid Alternative Benefit Plans (ABPs), Children's Health Insurance Program (CHIP), and Medicaid managed care organizations (MCOs).

Statement of Need: A final rule implementing MHPAEA was published in the **Federal Register** on November 13, 2013. These final MHPAEA provisions do not apply to Medicaid MCOs, ABPs, or CHIP State plans. This rule proposes to address how MHPAEA requirements, including those implemented in the November 13, 2013, final rule, apply to MCOs, ABPs, and CHIP.

Summary of Legal Basis: There are several statutes that are directly related to MHPAEA application to Medicaid. These include the MHPAEA, sections 511 and 512 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008, the Employee Retirement Income Security Act of 1974 (ERISA), the Public Health Service Act (PHS Act), and the Internal Revenue Code of 1986 (Code). Section 2103(c) of the Social Security Act (the Act) added paragraph (6), which incorporates, by reference, provisions added to section 2705 of the Public Health Service Act (PHSA) to apply MHPAEA to CHIP. Finally, the

Affordable Care Act expanded the application of MHPAEA to benefits in Medicaid ABPs.

Alternatives: None. A rule is needed to address the provisions of MHPAEA as they apply to Medicaid benchmark and benchmark-equivalent, CHIP, and MCOs.

Anticipated Cost and Benefits: As we move toward publication, estimates of the cost and benefits of these provisions will be included in the rule.

Risks: None. This rule approaches the application of MHPAEA to Medicaid MCOs, ABPs, and CHIP by building upon the policies set forth in the final MHPAEA regulation. Our goal is to align as much as possible with the approach taken in the final MHPAEA regulation in order to avoid confusion or conflict, while remaining true to the intent of the MHPAEA statute and the Medicaid program and CHIP.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: Undetermined.

Agency Contact: John O'Brien, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicaid and CHIP Services, MS: S2–14–26, 7500 Security Blvd., Baltimore, MD 21244, *Phone:* 410 786–5529, *Email: john.o'brien3@cms.hhs.gov.*

RIN: 0938–AS24

HHS—CMS

62. Electronic Health Record (EHR) Incentive Programs—Stage 3 (CMS–3310–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: Pub. L. 111–5, title IV of Division B

CFR Citation: 45 CFR 170; 42 CFR 412; 42 CFR 413; 42 CFR 495.

Legal Deadline: None.

Abstract: This proposed rule would establish policies related to Stage 3 of meaningful use for the Medicare and Medicaid EHR Incentive Programs. Stage 3 will focus on improving health care outcomes and further advance interoperability.

Statement of Need: This rule is necessary to implement the provisions of the American Recovery and Reinvestment Act (ARRA) that provide incentive payments to eligible professionals (EPs), eligible hospitals, and critical access hospitals (CAHs) participating in Medicare and Medicaid programs that adopt and meaningfully use certified EHR technology. The rule specifies applicable criteria for demonstrating Stage 3 of meaningful use.

Summary of Legal Basis: ARRA amended titles XVIII and XIX of the Social Security Act (the Act) to authorize incentive payments to EPs, eligible hospitals, CAHs, and Medicare Advantage (MA) Organizations to promote the adoption and meaningful use of certified EHR technology.

Alternatives: None. In this proposed rule, CMS will implement Stage 3, another stage of the Medicare and Medicaid EHR Incentive Program as required by ARRA. We are proposing the Stage 3 criteria that EP's, eligible hospitals, and CAHs must meet in order to successfully demonstrate meaningful use under the Medicare and Medicaid EHR Incentive Programs, focusing on advanced use of EHR technology to promote improved outcomes for patients. Stage 3 will also propose changes to the reporting period, timelines, and structure of the program, including providing a single definition of meaningful use. These changes will provide a flexible, yet, clearer framework to ensure future sustainability of the EHR program and reduce confusion stemming from multiple stage requirements.

Anticipated Cost and Benefits: We expect that benefits to the program will accrue in the form of savings to Medicare through the Medicare payment adjustments. Expected qualitative benefits, such as improved quality of care and better health outcomes are unable to be quantified at this time, but we believe that savings will likely result from reductions in the cost of providing care.

Risks: CMS anticipates many positive effects of adopting EHR on health care providers, apart from the incentive payments to be provided under this proposed rule. We believe there are benefits that can be obtained by eligible hospitals and EPs, including: Reductions in medical recordkeeping costs, reductions in repeat tests, decreases in length of stay, and reduced errors. When used effectively, EHRs can enable providers to deliver health care more efficiently. For example, EHRs can reduce the duplication of diagnostic tests, prompt providers to prescribe cost effective generic medications, remind patients about preventive care, reduce unnecessary office visits, and assist in managing complex care.

We are working with the Office of the National Coordinator for Health Information Technology to ensure that the Stage 3 meaningful use definition coordinates with the standards and certification requirements being proposed and that there is sufficient time to upgrade and implement these changes. Stage 2 has been extended so that Stage 3 will not begin until 2017.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: State.

Federalism: Undetermined.

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RIN: 0938–AS26

HHS—CMS

63. • CY 2016 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1631–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: Social Security Act, secs 1102, 1871, 1848

CFR Citation: Not Yet Determined.

Legal Deadline: Final, Statutory, November 1, 2015.

Abstract: This annual proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2016.

Statement of Need: The statute requires that we establish each year, by regulation, payment amounts for all physicians' services furnished in all fee schedule areas. This rule would implement changes affecting Medicare Part B payment to physicians and other Part B suppliers. The final rule has a statutory publication date of November 1, 2015, and an implementation date of January 1, 2016.

Summary of Legal Basis: Section 1848 of the Social Security Act (the Act) establishes the payment for physician services provided under Medicare. Section 1848 of the Act imposes an annual deadline of no later than November 1 for publication of the final rule or final physician fee schedule.

Alternatives: None. This implements a statutory requirement.

Anticipated Cost and Benefits: Total expenditures will be adjusted for CY 2016.

Risks: If this regulation is not published timely, physician services will not be paid appropriately, beginning January 1, 2016.

Timetable:

Action	Date	FR Cite
NPRM	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Kathy Bryant, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–01–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3448, *Email: kathy.bryant@cms.hhs.gov.*

RIN: 0938–AS40

HHS—CMS

64. • Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2016 Rates (CMS–1632–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: sec 1886(d) of the Social Security Act

CFR Citation: Not Yet Determined.

Legal Deadline: NPRM, Statutory, April 1, 2015.

Final, Statutory, August 1, 2015.

Abstract: This annual proposed rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This proposed rule would implement changes arising from our continuing experience with these systems.

Statement of Need: CMS annually revises the Medicare hospital inpatient prospective payment systems (IPPS) for operating and capital-related costs to implement changes arising from our continuing experience with these systems. In addition, we describe the proposed changes to the amounts and factors used to determine the rates for Medicare hospital inpatient services for operating costs and capital-related costs. Also, CMS annually updates the payment rates for the Medicare prospective payment system (PPS) for inpatient hospital services provided by long-term care hospitals (LTCHs). The rule solicits comments on the proposed IPPS and LTCH payment rates and new policies. CMS will issue a final rule containing the payment rates for the FY 2016 IPPS and LTCHs at least 60 days before October 1, 2015.

Summary of Legal Basis: The Social Security Act (the Act) sets forth a system of payment for the operating costs of acute care hospital inpatient stays under Medicare Part A (Hospital Insurance) based on prospectively set rates. The Act requires the Secretary to pay for the capital-related costs of hospital inpatient and long-term care stays under a PPS. Under these systems, Medicare payment for hospital inpatient and long-term care operating and capital-related costs is made at predetermined, specific rates for each hospital discharge. These changes would be applicable to services furnished on or after October 1, 2015.

Alternatives: None. This implements a statutory requirement.

Anticipated Cost and Benefits: Total expenditures will be adjusted for FY 2016.

Risks: If this regulation is not published timely, inpatient hospital and LTCH services will not be paid appropriately beginning October 1, 2015.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

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RIN: 0938–AS41

HHS—CMS

65. • CY 2016 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1633–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: sec 1833 of the Social Security Act

CFR Citation: Not Yet Determined.

Legal Deadline: Final, Statutory, November 1, 2015.

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates.

Statement of Need: Medicare pays over 4,000 hospitals for outpatient department services under the hospital outpatient prospective payment system (OPPS). The OPPS is based on groups of clinically similar services called ambulatory payment classification groups (APCs). CMS annually revises the APC payment amounts based on the most recent claims data, proposes new payment policies, and updates the payments for inflation using the hospital operating market basket. Medicare pays roughly 5,000 Ambulatory Surgical Centers (ASCs) under the ASC payment system. CMS annually revises the payment under the ASC payment system, proposes new policies, and updates payments for inflation. CMS will issue a final rule containing the payment rates for the 2016 OPPS and ASC payment system at least 60 days before January 1, 2016.

Summary of Legal Basis: Section 1833 of the Social Security Act establishes Medicare payment for hospital outpatient services and ASC services. The rule revises the Medicare hospital OPPS and ASC payment system to implement applicable statutory requirements. In addition, the rule describes changes to the outpatient APC system, relative payment weights, outlier adjustments, and other amounts and factors used to determine the payment rates for Medicare hospital outpatient services paid under the prospective payment system as well as changes to the rates and services paid under the ASC payment system. These changes would be applicable to services furnished on or after January 1, 2016.

Alternatives: None. This is a statutory requirement.

Anticipated Cost and Benefits: Total expenditures will be adjusted for CY 2016.

Risks: If this regulation is not published timely, outpatient hospital and ASC services will not be paid appropriately beginning January 1, 2016.

Timetable:

Action	Date	FR Cite
NPRM	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Federalism: Undetermined.

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RIN: 0938–AS42

HHS—CMS

Final Rule Stage

66. Eligibility Notices, Fair Hearing and Appeal Processes for Medicaid and Exchange Eligibility Appeals, and Other Eligibility and Enrollment Provisions (CMS–2334–F2)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: Pub. L. 111–148, secs 1411, 1413, 1557, 1943, 2102, 2201, 2004, 2303, et al

CFR Citation: 42 CFR 430; 42 CFR 431; 42 CFR 433; 42 CFR 435; 42 CFR 457.

Legal Deadline: None.

Abstract: The Affordable Care Act expands access to health insurance through improvements in Medicaid; the establishment of Affordable Insurance Exchanges; and coordination between Medicaid, the Children's Health Insurance Program (CHIP), and Exchanges. This rule finalizes the remaining provisions proposed in the January 19, 2013, proposed rule, but not finalized in the July 15, 2013, final rule to continue our efforts to assist states in implementing Medicaid eligibility, appeals, and enrollment changes, and other State health subsidy programs.

Statement of Need: This final rule will implement provisions of the Affordable Care Act and the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA). This rule reflects new statutory eligibility provisions; changes to provide States more flexibility to coordinate Medicaid and CHIP eligibility notices, appeals, and other related administrative procedures with similar procedures used by other health coverage programs authorized under the Affordable Care Act; modernizes and streamlines existing rules, eliminates obsolete rules, and updates provisions to reflect Medicaid eligibility pathways; implements other CHIPRA eligibility-related provisions, including eligibility for newborns whose mothers were eligible for and receiving Medicaid or CHIP coverage at the time of birth. With publication of this final rule, we desire to make our implementing regulations available to States and the public as soon as possible to facilitate continued efficient operation of the State flexibility authorized under section 1937 of the Act.

Summary of Legal Basis: The Affordable Care Act extends and simplifies Medicaid eligibility. In the July 15, 2013, **Federal Register**, we issued the ''Medicaid and Children's Health Insurance Programs: Essential Health Benefits in Alternative Benefit Plans, Eligibility Notices, Fair Hearing and Appeal Processes, and Premiums and Cost Sharing; Exchanges: Eligibility and Enrollment'' final rule that finalized certain key Medicaid and CHIP eligibility provisions included in the January 22, 2013, proposed rule. In this final rule, we are addressing the remaining provisions of the January 22, 2013, proposed rule.

Alternatives: The majority of Medicaid and CHIP eligibility provisions proposed in this rule serve to implement the Affordable Care Act. All of the provisions in this final rule are a result of the passage of the Affordable Care Act and are largely self-implementing. Therefore, alternatives considered for this final rule were constrained due to the statutory provisions.

Anticipated Cost and Benefits: The March 23, 2012 Medicaid eligibility final rule detailed the impact of the Medicaid eligibility changes related to implementation of the Affordable Care Act. The majority of provisions included in this final rule were described in detail in that rule, but in summary, we estimate a total savings of $465 million over 5 years, including $280 million in cost savings to the Federal Government and $185 million in savings to States.

Risks: None. Delaying publication of this final rule delays states from moving forward with implementing changes to Medicaid and CHIP, and aligning operations between Medicaid, CHIP and the Exchanges.

Timetable:

Action	Date	FR Cite
Final Action	11/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

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Related RIN: Related to 0938–AR04.

RIN: 0938–AS27

HHS—ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)

Final Rule Stage

67. Child Care and Development Fund Reforms To Support Child Development and Working Families

Priority: Other Significant.

Legal Authority: Sec 658E and other provisions of the Child Care and Development Block Grant Act of 1990, as amended

CFR Citation: 45 CFR 98.

Legal Deadline: None.

Abstract: This rule would provide the first comprehensive update of Child Care and Development Fund (CCDF) regulations since 1998. It would make changes in four key areas: (1) Improving health and safety; (2) improving the quality of child care; (3) establishing family-friendly policies; and (4) strengthening program integrity. The rule seeks to retain much of the flexibility afforded to States, territories, and tribes consistent with the nature of a block grant.

Statement of Need: The CCDF program has far-reaching implications for America's poorest children. It provides child care assistance to 1.6 million children from nearly 1 million low-income working families and families who are attending school or job training. Half of the children served are living at or below poverty level. In addition, children who receive CCDF are cared for alongside children who do not receive CCDF, by approximately

570,000 participating child care providers, some of whom lack basic assurances needed to ensure children are safe, healthy, and learning. Since 1996, a body of research has demonstrated the importance of the early years on brain development and has shown that high-quality, consistent child care can positively impact later success in school and life. This is especially true for low-income children who face a school readiness and achievement gap and can benefit the most from high-quality early learning environments. In light of this research, many States, territories, and tribes, working collaboratively with the Federal Government, have taken important steps over the last 15 years to make the CCDF program more child-focused and family-friendly; however, implementation of these evidence-informed practices is uneven across the country and critical gaps remain. This regulatory action is needed in order to increase accountability in the CCDF program by ensuring that all children receiving federally funded child care assistance are in safe, quality programs that both support their parent's labor market participation, and help children develop the tools and skills they need to reach their full potential. A major focus of this final rule is to raise the bar on quality by establishing a floor of health and safety standards for child care paid for with Federal funds. National surveys have demonstrated that most parents logically assume that their child care providers have had a background check, have had training in child health and safety, and are regularly monitored. However, State policies surrounding the training and oversight of child care providers vary widely. In some States, many children receiving CCDF subsidies are cared for by providers that have little to no oversight with respect to compliance with basic standards designed to safeguard children's well-being, such as first-aid and safe sleep practices. This can leave children in unsafe conditions, even as their care is being funded with public dollars. In addition, the final rule empowers all parents who choose child care, regardless of whether they receive a Federal subsidy, with better information to make the best choices for their children. This includes providing parents with information about the quality of child care providers and making information about providers' compliance with health and safety regulations more transparent so that parents can be aware of the safety track record of providers when it's time to choose child care.

Summary of Legal Basis: This final regulation is being issued under the authority granted to the Secretary of Health and Human Services by the CCDBG Act (42 U.S.C. 9858 *et seq.*) and section 418 of the Social Security Act (42 U.S.C. 618).

Alternatives: The Administration for Children and Families considered a range of approaches to improve early childhood care and education, including administrative and regulatory action. ACF has taken administrative actions to recommend that States adopt stronger health and safety requirements and provided technical assistance to States. Despite these efforts to assist States in making voluntary reforms, unacceptable health and safety lapses remain. An alternative to this rule would be to take no regulatory action or to limit the nature of the required standards and the degree to which those standards are prescriptive. ACF believes this rulemaking is the preferable alternative to ensure children's health and safety and promote their learning and development.

Anticipated Cost and Benefits: Changes in this final rule directly benefit children and parents who use CCDF assistance to pay for child care. The 1.6 million children who are in child care funded by CCDF would have stronger protections for their health and safety, which addresses every parent's paramount concern. All children in the care of a participating CCDF provider will be safer because that provider is more knowledgeable about health and safety issues. In addition, the families of the 12 million children who are served in child care will benefit from having clear, accessible information about the safety compliance records and quality indicators of providers available to them as they make critical choices about where their children will be cared for while they work. Provisions also will benefit child care providers by encouraging States to invest in high quality child care providers and professional development and to take into account quality when they determine child care payment rates. A primary reason for revising the CCDF regulations is to better reflect current State and local practices to improve the quality of child care. Therefore, there are a significant number of States, territories, and tribes that have already implemented many of these policies. The cost of implementing the changes in this final rule will vary depending on a State's specific situation. ACF does not believe the costs of this final regulatory action would be economically significant and that the tremendous benefits to low-income children justify costs associated with this final rule.

Risks: Not applicable.

Timetable:

Action	Date	FR Cite
NPRM	05/20/13	78 FR 29422
NPRM Comment Period End.	08/05/13	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: State, Tribal.

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RIN: 0970–AC53

BILLING CODE 4150–24–P

DEPARTMENT OF HOMELAND SECURITY (DHS)

Fall 2014 Statement of Regulatory Priorities

The Department of Homeland Security (DHS or Department) was created in 2003 pursuant to the Homeland Security Act of 2002, Public Law 107–296. DHS has a vital mission: To secure the Nation from the many threats we face. This requires the dedication of more than 225,000 employees in jobs that range from aviation and border security to emergency response, from cybersecurity analyst to chemical facility inspector. Our duties are wide-ranging, but our goal is clear—keeping America safe.

Our mission gives us six main areas of responsibility:

1. *Prevent* Terrorism and Enhance Security,
2. *Secure* and Manage Our Borders,
3. *Enforce and Administer our Immigration Laws,*
4. *Safeguard* and Secure Cyberspace,
5. *Ensure* Resilience to Disasters, and
6. Mature and Strengthen DHS

In achieving these goals, we are continually strengthening our partnerships with communities, first responders, law enforcement, and government agencies—at the State, local, tribal, Federal, and international levels. We are accelerating the deployment of science, technology, and innovation in order to make America more secure, and we are becoming

leaner, smarter, and more efficient, ensuring that every security resource is used as effectively as possible. For a further discussion of our main areas of responsibility, see the DHS Web site at *http://www.dhs.gov/our-mission*.

The regulations we have summarized below in the Department's fall 2014 regulatory plan and in the agenda support the Department's responsibility areas listed above. These regulations will improve the Department's ability to accomplish its mission.

The regulations we have identified in this year's fall regulatory plan continue to address legislative initiatives including, but not limited to, the following acts: The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Public Law 110–53 (Aug. 3, 2007); the Consolidated Natural Resources Act of 2008 (CNRA), Public Law 110–229 (May 8, 2008); the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Public Law 109–347 (Oct. 13, 2006); and the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Public Law 110–329 (Sep. 30, 2008).

DHS strives for organizational excellence and uses a centralized and unified approach in managing its regulatory resources. The Office of the General Counsel manages the Department's regulatory program, including the agenda and regulatory plan. In addition, DHS senior leadership reviews each significant regulatory project to ensure that the project fosters and supports the Department's mission.

The Department is committed to ensuring that all of its regulatory initiatives are aligned with its guiding principles to protect civil rights and civil liberties, integrate our actions, build coalitions and partnerships, develop human resources, innovate, and be accountable to the American public.

DHS is also committed to the principles described in Executive Orders 13563 and 12866 (as amended). Both Executive Orders direct agencies to assess the 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

Finally, the Department values public involvement in the development of its regulatory plan, agenda, and regulations, and takes particular concern with the impact its rules have on small businesses. DHS and each of its components continue to emphasize the use of plain language in our notices and rulemaking documents to promote a better understanding of regulations and increased public participation in the Department's rulemakings.

Retrospective Review of Existing Regulations

Pursuant to Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), DHS identified the following regulatory actions as associated with retrospective review and analysis. Some of the regulatory actions on the below list may be completed actions, which do not appear in The Regulatory Plan. You can find more information about these completed rulemakings in past publications of the Unified Agenda (search the Completed Actions sections) on *www.reginfo.gov*. Some of the entries on this list, however, are active rulemakings. You can find entries for these rulemakings on *www.regulations.gov*.

RIN	Rule
1601–AA58	Professional Conduct for Practitioners Rules and Procedures, and Representation and Appearances.
1615–AB92	Employment Authorization for Certain H–4 Spouses.
1615–AB95	Immigration Benefits Business Transformation: Nonimmigrants; Student and Exchange Visitor Program.
1615–AC00	Enhancing Opportunities for H–1B1, CW–1, and E–3 Nonimmigrants and EB–1 Immigrants.
1625–AB38	Update to Maritime Security.
1625–AB80	Revision to Transportation Worker Identification Credential (TWIC) Requirements for Mariners.
1651–AA96	Definition of Form I–94 to Include Electronic Format.
1651–AB05	Freedom of Information Act (FOIA) Procedures.
1652–AA61	Standardized Vetting, Adjudication, and Redress Services.
1653–AA44	Amendment to Accommodate Process Changes with SEVIS II Implementation.
1653–AA63	Adjustments to Limitations on Designated School Official Assignment and Study By F–2 and M–2 Non-immigrants.
1660–AA77	Change in Submission Requirements for State Mitigation Plans.

Promoting International Regulatory Cooperation

Pursuant to Sections 3 and 4(b) of Executive Order 13609 ''Promoting International Regulatory Cooperation'' (May 1, 2012), DHS has identified the following regulatory actions that have significant international impacts. Some of the regulatory actions on the below list may be completed actions. You can find more information about these completed rulemakings in past publications of the Unified Agenda (search the Completed Actions sections) on *www.reginfo.gov*. Some of the entries on this list, however, are active rulemakings. You can find entries for these rulemakings on *www.regulations.gov*.

RIN	Rule
1625–AB38	Updates to Maritime Security.
1651–AA70	Importer Security Filing and Additional Carrier Requirements.
1651–AA72	Changes to the Visa Waiver Program To Implement the Electronic System for Travel Authorization (ESTA) Program.
1651–AA98	Amendments to Importer Security Filing and Additional Carrier Requirements.
1651–AA96	Definition of Form I–94 to Include Electronic Format.

DHS participates in some international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations. For example, the U.S. Coast Guard is the primary U.S. representative to the International Maritime Organization (IMO) and plays a major leadership role in establishing international standards in the global maritime community. IMO's work to establish international standards for maritime safety, security, and environmental protection closely aligns with the U.S. Coast Guard regulations. As an IMO member nation, the U.S. is obliged to incorporate IMO treaty provisions not already part of U.S. domestic policy into regulations for those vessels affected by the international standards. Consequently, the U.S. Coast Guard initiates rulemakings to harmonize with IMO international standards such as treaty provisions and the codes, conventions, resolutions, and circulars that supplement them.

Also, President Obama and Prime Minister Harper created the Canada-U.S. Regulatory Cooperation Council (RCC) in February 2011. The RCC is an initiative between both federal governments aimed at pursuing greater alignment in regulation, increasing mutual recognition of regulatory practices and establishing smarter, more effective and less burdensome regulations in specific sectors. The Canada-U.S. RCC initiative arose out of the recognition that high level, focused, and sustained effort would be required to reach a more substantive level of regulatory cooperation. Since its creation in early 2011, the U.S. Coast Guard has participated in stakeholder consultations with their Transport Canada counterparts and the public, drafted items for inclusion in the RCC Action Plan, and detailed work plans for each included Action Plan item.

The fall 2014 regulatory plan for DHS includes regulations from DHS components—including U.S. Citizenship and Immigration Services (USCIS), the U.S. Coast Guard (Coast Guard), U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), and the Transportation Security Administration (TSA), which have active regulatory programs. In addition, it includes regulations from the Department's major offices and directorates such as the National Protection and Programs Directorate (NPPD). Below is a discussion of the fall 2014 regulatory plan for DHS regulatory components, offices, and directorates.

United States Citizenship and Immigration Services

U.S. Citizenship and Immigration Services (USCIS) administers immigration benefits and services while protecting and securing our homeland. USCIS has a strong commitment to welcoming individuals who seek entry through the U.S. immigration system, providing clear and useful information regarding the immigration process, promoting the values of citizenship, and assisting those in need of humanitarian protection. Based on a comprehensive review of the planned USCIS regulatory agenda, USCIS will promulgate several rulemakings to directly support these commitments and goals.

Regulations to Facilitate Retention of High-Skilled Workers

Employment Authorization for Certain H–4 Dependent Spouses. On May 12, 2014, USCIS published a proposed rule intended to encourage professionals with high-demand skills to remain in the country and help spur innovation and growth of U.S. businesses. In the proposed rule, USCIS proposed to extend eligibility for employment authorization to H–4 dependent spouses of principal H–1B nonimmigrants who have begun the process of seeking lawful permanent resident status through employment and have extended their authorized period of admission or ''stay'' in the United States under section 104(c) or 106(a) of Public Law 106–313, also known as the American Competitiveness in the Twenty-First Century Act of 2000. USCIS plans to issue a final rule in the coming year.

Enhancing Opportunities for High-Skilled Workers. Also on May 12, 2014, USCIS published a proposed rule intended to encourage and facilitate the employment and retention of certain high-skilled and transitional workers. In the proposed rule, USCIS proposed to amend its regulations relating to the nonimmigrant classifications for specialty occupation professionals from Chile and Singapore (H–1B1) and from Australia (E–3), to include these classifications in the list of classes of aliens authorized for employment incident to status with a specific employer, to extend automatic employment authorization extensions with pending extension of stay requests, and to update filing procedures. USCIS also proposed to amend regulations regarding continued employment authorization for nonimmigrant workers in the Commonwealth of the Northern Mariana Islands (CNMI)-only Transitional Worker (CW–1) classification. Finally, USCIS also proposed to amend regulations related to the immigration classification for employment-based first preference (EB–1) outstanding professors or researchers to allow the submission of comparable evidence. USCIS plans to issue a final rule in the coming year.

Improvements to the Immigration System

Requirements for Filing Motions and Administrative Appeals. USCIS will propose to revise the procedural regulations governing appeals and motions to reopen or reconsider before its Administrative Appeals Office, and to require that applicants and petitioners exhaust administrative remedies before seeking judicial review of an unfavorable decision. The changes proposed by the rule will streamline the procedures before the Administrative Appeals Office and improve the efficiency of the adjudication process.

Regulations Related to the Commonwealth of Northern Mariana Islands. This final rule amends DHS and Department of Justice (DOJ) regulations to comply with the Consolidated Natural Resources Act of 2008 (CNRA). The CNRA extends the immigration laws of the United States to the Consolidated Northern Mariana Islands (CNMI). In 2009, USCIS issued an interim final rule to implement conforming amendments to the DHS and DOJ regulations. This joint DHS–DOJ final rule titled ''Application of Immigration Regulations to the CNMI'' would finalize the 2009 interim final rule.

Regulatory Changes Involving Humanitarian Benefits

Asylum and Withholding Definitions. USCIS plans a regulatory proposal to amend the regulations that govern asylum eligibility and refugee status determinations. The amendments are expected to revise the portions of the existing regulations that deal with determinations of whether suffered or feared persecution is on account of a protected ground, the requirements for establishing that the government is unable or unwilling to protect the applicant, and the definition of membership in a particular social group. This proposal would provide greater clarity and consistency in this important area of the law.

Exception to the Persecution Bar for Asylum, Refugee, or Temporary Protected Status, and Withholding of Removal. In a joint rulemaking, DHS and DOJ will propose amendments to existing DHS and DOJ regulations to resolve ambiguity in the statutory

language precluding eligibility for asylum, refugee resettlement, temporary protected status, and withholding or removal of an applicant who ordered, incited, assisted, or otherwise participated in the persecution of others. The proposed rule would provide a limited exception for persecutory actions taken by the applicant under duress and would clarify the required level of the applicant's knowledge of the persecution.

''T'' and ''U'' Nonimmigrants. USCIS plans additional regulatory initiatives related to T nonimmigrants (victims of trafficking) and U nonimmigrants (victims of criminal activity). Through these regulatory initiatives, USCIS hopes to provide greater consistency in eligibility and application requirements for these vulnerable groups, their advocates, and the community. These rulemakings will contain provisions to adjust documentary requirements for this vulnerable population and provide greater clarity to the law enforcement community.

Special Immigrant Juvenile Petitions. This final rule makes procedural changes and resolves interpretive issues following statutory amendments. The Secretary may grant Special Immigrant Juvenile classification to aliens whose reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law. Such classification can regularize immigration status for these aliens and allow for adjustment of status to lawful permanent resident.

United States Coast Guard

The U.S. Coast Guard (Coast Guard) is a military, multi-mission, maritime service of the United States and the only military organization within DHS. It is the principal federal agency responsible for maritime safety, security, and stewardship and delivers daily value to the Nation through multi-mission resources, authorities, and capabilities.

Effective governance in the maritime domain hinges upon an integrated approach to safety, security, and stewardship. The Coast Guard's policies and capabilities are integrated and interdependent, delivering results through a network of enduring partnerships. The Coast Guard's ability to field versatile capabilities and highly-trained personnel is one of the U.S. Government's most significant and important strengths in the maritime environment.

America is a maritime nation, and our security, resilience, and economic prosperity are intrinsically linked to the oceans. Safety, efficient waterways, and freedom of transit on the high seas are essential to our well-being. The Coast Guard is leaning forward, poised to meet the demands of the modern maritime environment. The Coast Guard creates value for the public through solid prevention and response efforts. Activities involving oversight and regulation, enforcement, maritime presence, and public and private partnership foster increased maritime safety, security, and stewardship.

The statutory responsibilities of the Coast Guard include ensuring marine safety and security, preserving maritime mobility, protecting the marine environment, enforcing U.S. laws and international treaties, and performing search and rescue. The Coast Guard supports the Department's overarching goals of mobilizing and organizing our Nation to secure the homeland from terrorist attacks, natural disasters, and other emergencies. The rulemaking projects identified for the Coast Guard in the Unified Agenda, and the rules appearing in the fall 2014 Regulatory Plan below, contribute to the fulfillment of those responsibilities and reflect our regulatory policies.

Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System. The Coast Guard intends to expand the applicability of notice of arrival and departure (NOAD) and automatic identification system (AIS) requirements to include more commercial vessels. This rule, once final, would expand the applicability of notice of arrival (NOA) requirements to include additional vessels, establish a separate requirement for certain vessels to submit notices of departure (NOD), set forth a mandatory method for electronic submission of NOA and NOD, and modify related reporting content, timeframes, and procedures. This rule would also extend the applicability of AIS requirements beyond Vessel Traffic Service (VTS) areas and require additional commercial vessels install and use AIS. These changes are intended to improve navigation safety, enhance our ability to identify and track vessels, and heighten the Coast Guard's overall maritime domain awareness, thus helping the Coast Guard address threats to maritime transportation safety and security and mitigate the possible harm from such threats.

Inspection of Towing Vessels. The Coast Guard has proposed regulations governing the inspection of towing vessels, including an optional towing safety management system (TSMS). The regulations for this large class of vessels would establish operations, lifesaving, fire protection, machinery and electrical systems and equipment, and construction and arrangement standards for towing vessels. This rulemaking would also set standards for the optional TSMS and related third-party organizations, as well as procedures for obtaining a certificate of inspection under either the TSMS or Coast Guard annual-inspection option. This rulemaking would implement section 415 of the Coast Guard and Maritime Transportation Act of 2004. The intent of this rulemaking, which would establish a new subchapter dedicated to towing vessels, is to promote safer work practices and reduce towing vessel casualties.

Transportation Worker Identification Credential (TWIC)—Reader Requirements. In accordance with the Maritime Transportation Safety Act of 2002 (MTSA) and the Security and Accountability For Every Port Act of 2006 (SAFE Port Act), the Coast Guard is establishing rules requiring electronic TWIC readers at high-risk vessels and facilities. These rules would ensure that prior to being granted unescorted access to a designated secure area at a high-risk vessel or facility: (1) The individual will have his or her TWIC electronically authenticated; (2) the status of the individual's credential will be electronically validated against an up-to-date list maintained by the TSA; and (3) the individual's identity will be electronically confirmed by comparing his or her fingerprint with a biometric template stored on the credential. By promulgating these rules, the Coast Guard seeks to improve security at the highest risk vessels and facilities with broader use of electronic inspection of biometric credentials.

United States Customs and Border Protection

U.S. Customs and Border Protection (CBP) is the federal agency principally responsible for the security of our Nation's borders, both at and between the ports of entry and at official crossings into the United States. CBP must accomplish its border security and enforcement mission without stifling the flow of legitimate trade and travel. The primary mission of CBP is its homeland security mission, that is, to prevent terrorists and terrorist weapons from entering the United States. An important aspect of this priority mission involves improving security at our borders and ports of entry, but it also means extending our zone of security beyond our physical borders.

CBP is also responsible for administering laws concerning the importation into the United States of goods, and enforcing the laws concerning the entry of persons into the

United States. This includes regulating and facilitating international trade; collecting import duties; enforcing U.S. trade, immigration and other laws of the United States at our borders; inspecting imports, overseeing the activities of persons and businesses engaged in importing; enforcing the laws concerning smuggling and trafficking in contraband; apprehending individuals attempting to enter the United States illegally; protecting our agriculture and economic interests from harmful pests and diseases; servicing all people, vehicles and cargo entering the United States; maintaining export controls; and protecting U.S. businesses from theft of their intellectual property.

In carrying out its priority mission, CBP's goal is to facilitate the processing of legitimate trade and people efficiently without compromising security. Consistent with its primary mission of homeland security, CBP intends to issue several rules during the next fiscal year that are intended to improve security at our borders and ports of entry. CBP is also automating some procedures that increase efficiencies and reduce the costs and burdens to travelers. We have highlighted some of these rules below.

Electronic System for Travel Authorization (ESTA). During the next fiscal year, CBP intends to issue a final rule that will finalize two Electronic System for Travel Authorization (ESTA) rulemakings, the 2008 ESTA interim final rule and the 2010 ESTA fee interim final rule. On June 9, 2008, CBP published an interim final rule implementing the ESTA for aliens who wish to enter the United States under the Visa Waiver Program (VWP) at air or sea ports of entry. This rule was intended to fulfill the requirements of section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act). The rule established ESTA and required that each alien traveling to the United States under the VWP must obtain electronic travel authorization via the ESTA System in advance of such travel. VWP travelers may obtain the required ESTA authorization by electronically submitting to CBP biographic and other information that was previously submitted to CBP via the I–94W Nonimmigrant Alien Arrival/Departure Form (I–94W). ESTA became mandatory on January 12, 2009. Therefore, VWP travelers must either obtain travel authorization in advance of travel under ESTA or obtain a visa prior to traveling to the United States. On August 9, 2010, CBP published an interim final rule amending the ESTA regulations to require ESTA applicants to pay a congressionally mandated fee which is the sum of two amounts, a $10.00 travel promotion fee for an approved ESTA and a $4.00 operational fee for the use of ESTA set by the Secretary of Homeland Security to at least ensure the recovery of the full costs of providing and administering the ESTA system.

Importer Security Filing and Additional Carrier Requirements. On November 25, 2008, CBP published an interim final rule amending CBP regulations to require carriers and importers to provide to CBP, via a CBP approved electronic data interchange system, information necessary to enable CBP to identity high-risk shipments to prevent smuggling and ensure cargo safety and security. This rule, which became effective on January 26, 2009, improves CBP risk assessment and targeting capabilities, facilitates the prompt release of legitimate cargo following its arrival in the United States, and assists CBP in increasing the security of the global trading system. To increase the accuracy and reliability of the advance information, CBP intends to publish a notice of proposed rulemaking during the next fiscal year that proposes some changes to the current importer security filing regulations.

Air Cargo Advance Screening (ACAS). The Trade Act of 2002, as amended, authorizes the Secretary of Homeland Security to promulgate regulations providing for the transmission to CBP through an electronic data interchange system, of information pertaining to cargo to be brought into the United States or to be sent from the United States, prior to the arrival or departure of the cargo. The cargo information required is that which the Secretary determines to be reasonably necessary to ensure cargo safety and security. CBP's current Trade Act regulations pertaining to air cargo require the electronic submission of various advance data to CBP no later than either the time of departure of the aircraft for the United States (from specified locations) or four hours prior to arrival in the United States for all other locations. CBP intends to propose amendments to these regulations to implement the Air Cargo Advance Screening (ACAS) program. To improve CBP's risk assessment and targeting capabilities and to enable CBP to target, and identify risky cargo prior to departure of the aircraft to the United States, ACAS would require the submission of certain of the advance electronic information for air cargo as early as practicable but no later than prior to loading the cargo onto an aircraft destined to or transiting through the United States at the last foreign port of departure. CBP, in conjunction with TSA, has been operating ACAS as a voluntary pilot program since 2010 and would like to implement ACAS as a regulatory program.

Implementation of the Guam-Commonwealth of the Northern Mariana Islands (CNMI) Visa Waiver Program. CBP published an interim final rule in November 2008 amending the DHS regulations to replace the current Guam Visa Waiver Program with a new Guam-Commonwealth of the Northern Mariana Islands (CNMI) Visa Waiver Program. This rule implements portions of the Consolidated National Resources Act of 2008 (CNRA), which extends the immigration laws of the United States to the CNMI and among others things, provides for a visa waiver program for travel to Guam and the CNMI. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. The rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. CBP intends to issue a final rule during the next fiscal year.

Definition of Form I–94 to Include Electronic Format. DHS issues the Form I–94 to certain aliens and uses the Form I–94 for various purposes such as documenting status in the United States, the approved length of stay, and departure. DHS generally issues the Form I–94 to aliens at the time they lawfully enter the United States. On March 27, 2013, CBP published an interim final rule amending existing regulations to add a new definition of the term ''Form I–94.'' The new definition includes the collection of arrival/departure and admission or parole information by DHS, whether in paper or electronic format. The definition also clarified various terms that are associated with the use of the Form I–94 to accommodate an electronic version of the Form I–94. The rule also added a valid, unexpired nonimmigrant DHS admission or parole stamp in a foreign passport to the list of documents designated as evidence of alien registration. These revisions enabled DHS to transition to an automated process whereby DHS creates a Form I–94 in an electronic format based on passenger, passport and visa information that DHS obtains electronically from air and sea carriers and the Department of State as well as through the inspection process. CBP intends to publish a final rule during the next fiscal year.

In addition to the regulations that CBP issues to promote DHS's mission, CBP

also issues regulations related to the mission of the Department of the Treasury. Under section 403(1) of the Homeland Security Act of 2002, the former-U.S. Customs Service, including functions of the Secretary of the Treasury relating thereto, transferred to the Secretary of Homeland Security. As part of the initial organization of DHS, the Customs Service inspection and trade functions were combined with the immigration and agricultural inspection functions and the Border Patrol and transferred into CBP. It is noted that certain regulatory authority of the U.S. Customs Service relating to customs revenue function was retained by the Department of the Treasury (see the Department of the Treasury Regulatory Plan). In addition to its plans to continue issuing regulations to enhance border security, CBP, during fiscal year 2015, expects to continue to issue regulatory documents that will facilitate legitimate trade and implement trade benefit program. CBP regulations regarding the customs revenue function are discussed in the Regulatory Plan of the Department of the Treasury.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) does not have any significant regulatory actions planned for fiscal year 2015.

Federal Law Enforcement Training Center

The Federal Law Enforcement Training Center (FLETC) does not have any significant regulatory actions planned for fiscal year 2015.

United States Immigration and Customs Enforcement

ICE is the principal criminal investigative arm of the Department of Homeland Security and one of the three Department components charged with the civil enforcement of the Nation's immigration laws. Its primary mission is to protect national security, public safety, and the integrity of our borders through the criminal and civil enforcement of Federal law governing border control, customs, trade, and immigration. During fiscal year 2015, ICE will focus rulemaking efforts on implementing and planning improvements in the area of student and exchange visitor programs and to advance initiatives related to F–1 and M–1 nonimmigrant students.

Adjustments to Limitations on Designated School Official Assignment and Study by F–2 and M–2 Nonimmigrants. On November 21, 2013, DHS published a notice of proposed rulemaking to revise the regulatory cap on the number of designated school officials (DSOs) that may be nominated for the oversight of each school's campus(es) where F–1 and/or M–1 students are enrolled. Currently, schools are limited to ten DSOs per school or per campus in a multi-campus school. In addition, the proposed rule sought to modify the regulatory restrictions placed on the dependents of an F–1 or M–1 student, to permit F–2 and M–2 nonimmigrants to enroll in less than a full course of study at a school certified by the ICE Student and Exchange Visitor Program (SEVP). ICE intends to issue a final rule in FY 2015. ICE believes that, in many circumstances, elimination of a DSO limit may improve the capability of DSOs to meet their liaison, reporting, and oversight responsibilities. In addition, ICE recognizes that there is increasing global competition to attract the best and brightest international students to study in our schools. Allowing a more flexible approach to permit F–2 and M–2 spouses and children to engage in less than a full course of study at SEVP-certified schools will provide a greater incentive for international students to travel to the United States for their education.

National Protection and Programs Directorate

The National Protection and Programs Directorate's (NPPD) vision is a safe, secure, and resilient infrastructure where the American way of life can thrive. NPPD leads the national effort to protect and enhance the resilience of the nation's physical and cyber infrastructure.

Ammonium Nitrate Security Program. Recognizing both the economic importance of ammonium nitrate and the fact that ammonium nitrate is susceptible to use by terrorists in explosive devices, Congress, in section 563 of the Fiscal Year 2008 DHS Appropriations Act, granted DHS the authority to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.'' The statute directs DHS to promulgate regulations requiring potential buyers and sellers of ammonium nitrate to register with DHS, in order to obtain ammonium nitrate registration numbers from DHS. The statute also requires DHS to screen each applicant against the Terrorist Screening Database. The statute also requires sellers of ammonium nitrate to verify the identities of those individuals seeking to purchase ammonium nitrate; to record certain information about each sale or transfer of ammonium nitrate; and to report thefts and losses of ammonium nitrate to federal authorities.

On October 29, 2008, DHS published an Advance Notice of Proposed Rulemaking (ANPRM) for a Secure Handling of Ammonium Nitrate Program. DHS reviewed the public comments and, on August 3, 2011, published a notice of proposed rulemaking (NPRM). DHS received comment on the NPRM until December 1, 2011, and is now reviewing and adjudicating the public comments in order to develop a final rule. The final rule is intended to aid the Federal Government in its efforts to protect against the misappropriation of ammonium nitrate for use in acts of terrorism and to limit terrorists' abilities to threaten the Nation's critical infrastructure and key resources. By protecting the Nation's supply of ammonium nitrate through the implementation of this rule, it will be more difficult for terrorists to obtain ammonium nitrate materials for use in terrorist acts.

Transportation Security Administration

The Transportation Security Administration (TSA) protects the Nation's transportation systems to ensure freedom of movement for people and commerce. TSA is committed to continuously setting the standard for excellence in transportation security through its people, processes, and technology as we work to meet the immediate and long-term needs of the transportation sector.

In fiscal year 2014, responding to new legislative mandates in the Bipartisan Budget Act of 2013, Pub. L. 113–67 (Dec. 26, 2013) TSA published two statutorily-required regulations: One that restructured the fee imposed on passengers (known as the September 11th Security Fee) and another that repealed TSA's authority to impose a fee on air carriers (known as the Aviation Security Infrastructure Fee).

In fiscal year 2015, TSA will promote the DHS mission by emphasizing regulatory efforts that allow TSA to better identify, detect, and protect against threats against various modes of the transportation system, while facilitating the efficient movement of the traveling public, transportation workers, and cargo.

Passenger Screening Using Advanced Imaging Technology (AIT). TSA intends to issue a final rule to amend its civil aviation regulations to address whether screening and inspection of an individual, conducted to control access to the sterile area of an airport or to an aircraft, may include the use of advanced imaging technology (AIT).

TSA published an NPRM on March 26, 2012, to comply with the decision rendered by the U.S. Court of Appeals for the District Columbia Circuit in Electronic Privacy Information Center (EPIC) v. U.S. Department of Homeland Security on July 15, 2011. 653 F.3d 1 (D.C. Cir. 2011). The Court directed TSA to conduct notice and comment rulemaking on the use of AIT in the primary screening of passengers.

Security Training for Surface Mode Employees. TSA will propose regulations to enhance the security of several non-aviation modes of transportation. In particular, TSA will propose regulations requiring freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus operators to conduct security training for front line employees. This regulation would implement sections 1408 (Public Transportation), 1517 (Freight Railroads), and 1534(a) (Over-the-Road-Buses) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act). In compliance with the definitions of frontline employees in the pertinent provisions of the 9/11 Act, the notice of proposed rulemaking (NPRM) would propose to define which employees are required to undergo training. This NPRM would also propose definitions for transportation of security-sensitive materials as required by section 1501 of the 9/11 Act.

Standardized Vetting, Adjudication, and Redress Process and Fees. TSA is developing a proposed rule to revise and standardize the procedures, adjudication criteria, and fees for most of the security threat assessments (STAs) of individuals that TSA conducts. TSA is considering a proposal that would include procedures for conducting STAs for transportation workers from almost all modes of transportation, including those covered under the 9/11 Act. In addition, TSA will propose equitable fees to cover the cost of the STAs and credentials for some personnel. TSA plans to identify new efficiencies in processing STAs and ways to streamline existing regulations by simplifying language and removing redundancies. As part of this proposed rule, TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an interim final rule for the AFSP on September 20, 2004. TSA regulations require aliens seeking to train at Federal Aviation Administration-regulated flight schools to complete an application and undergo an STA prior to beginning flight training. There are four categories under which students currently fall; the nature of the STA depends on the student's category. TSA is considering changes to the AFSP that would improve equity among fee payers and enable the implementation of new technologies to support vetting.

United States Secret Service

The United States Secret Service does not have any significant regulatory actions planned for fiscal year 2015.

DHS Regulatory Plan for Fiscal Year 2015

A more detailed description of the priority regulations that comprise DHS's fall 2014 regulatory plan follows.

DHS—OFFICE OF THE SECRETARY (OS)

Final Rule Stage

68. Ammonium Nitrate Security Program

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: Pub. L. 110–161, 2008 Consolidated Appropriations Act, sec. 563, subtitle J—Secure Handling of Ammonium Nitrate

CFR Citation: 6 CFR 31

Legal Deadline: NPRM, Statutory, May 26, 2008, Publication of Notice of Proposed Rulemaking. Final, Statutory, December 26, 2008, Publication of Final Rule.

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.''

Statement of Need: Pursuant to section 563 of the 2008 Consolidated Appropriations Act, subtitle J—Secure Handling of Ammonium Nitrate, Public Law 110–161, the Department of Homeland Security is required to promulgate a rulemaking to create a registration regime for certain buyers and sellers of ammonium nitrate. This rule would create that regime, and would aid the Federal Government in its efforts to protect against the misappropriation of ammonium nitrate for use in acts of terrorism. By protecting against such misappropriation, this rule could limit terrorists' abilities to threaten the public and to threaten the Nation's critical infrastructure and key resources. By securing the Nation's supply of ammonium nitrate, it should be much more difficult for terrorists to obtain ammonium nitrate materials for use in improvised explosive devices. As a result, there is a direct value in the deterrence of a catastrophic terrorist attack using ammonium nitrate, such as the Oklahoma City attack that killed over 160 and injured 853 people.

Summary of Legal Basis: Section 563 of the 2008 Consolidated Appropriations Act, subtitle J—Secure Handling of Ammonium Nitrate, Public Law 110–161, authorizes and requires this rulemaking.

Alternatives: The Department considered several alternatives when developing the Ammonium Nitrate Security Program proposed rule. The alternatives considered were: (a) Register individuals applying for an AN registered user number using a paper application (via facsimile or the U.S. mail) rather than through in person application at a local cooperative extension office or only through a Web-based portal; (b) verify AN purchasers through both an Internet-based verification portal and call center rather than only a verification portal or call center; (c) communicate with applicants for an AN registered user number through U.S. Mail rather than only through email or a secure Web-based portal; (d) establish a specific capability within the Department to receive, process, and respond to reports of theft or loss rather than leverage a similar capability which already exists with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); (e) require AN facilities to maintain records electronically in a central database provided by the Department rather than providing flexibility to the AN facility to maintain their own records either in paper or electronically; (f) require agents to register with the Department prior to the sale or transfer of ammonium nitrate involving an agent rather than allow oral confirmation of the agent with the AN purchaser on whose behalf the agent is working; and (g) exempt explosives from this regulation rather than not exempting them. As part of its notice of proposed rulemaking, the Department sought public comment on the numerous alternative ways in which the Department could carry out the requirements of the Secure Handling of Ammonium Nitrate provisions of the Homeland Security Act.

Anticipated Cost and Benefits: In its proposed rule, the Department

estimated the number of entities that purchase ammonium nitrate to range from 64,950 to 106,200. These purchasers include farms, fertilizer mixers, farm supply wholesalers and cooperatives (co-ops), golf courses, landscaping services, explosives distributors, mines, retail garden centers, and lab supply wholesalers. The Department estimated the number of entities that sell ammonium nitrate to be between 2,486 and 6,236, many of which are also purchasers. These sellers include ammonium nitrate fertilizer and explosive manufacturers, fertilizer mixers, farm supply wholesalers and co-ops, retail garden centers, explosives distributors, fertilizer applicator services, and lab supply wholesalers. Individuals or firms that provide transportation services within the distribution chain may be categorized as sellers, agents, or facilities depending upon their business relationship with the other parties to the transaction. The total number of potentially regulated farms and other businesses ranges from 64,986 to 106,236 (including overlap between the categories). The cost of the proposed rule ranges from $300 million to $1,041 million over 10 years at a 7 percent discount rate. The primary estimate is the mean which is $670.6 million. For comparison, at a 3 percent discount rate, the cost of the program ranges from $364 million to $1.3 billion with a primary (mean) estimate of $814 million. The average annualized cost for the program ranges from $43 million to $148 million (with a mean of $96 million), also employing a 7 percent discount rate. Because the value of the benefits of reducing risk of a terrorist attack is a function of both the probability of an attack and the value of the consequence, it is difficult to identify the particular risk reduction associated with the implementation of this rule. These elements and related qualitative benefits include point of sale identification requirements and requiring individuals to be screened against the Terrorist Screening Database (TSDB), resulting in known bad actors being denied the ability to purchase ammonium nitrate. The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By preventing the misappropriation or use of ammonium nitrate in acts of terrorism, this rulemaking will support the Department's efforts to prevent terrorist attacks and reduce the Nation's vulnerability to terrorist attacks. This rulemaking is complementary to other Department programs seeking to reduce the risks posed by terrorism, including the Chemical Facility Anti-Terrorism Standards program (which seeks in part to prevent terrorists from gaining access to dangerous chemicals) and the Transportation Worker Identification Credential program (which seeks in part to prevent terrorists from gaining access to certain critical infrastructure), among other programs.

Risks: Explosives containing ammonium nitrate are commonly used in terrorist attacks. Such attacks have been carried out both domestically and internationally. The 1995 Murrah Federal Building attack in Oklahoma City claimed the lives of 167 individuals and demonstrated firsthand to America how ammonium nitrate could be misused by terrorists. In addition to the Murrah Building attack, the Provisional Irish Republican Army used ammonium nitrate as part of its London, England, bombing campaign in the early 1980s. More recently, ammonium nitrate was used in the 1998 East African Embassy bombings and in the November 2003 bombings in Istanbul, Turkey. Additionally, since the events of 9/11, stores of ammonium nitrate have been confiscated during raids on terrorist sites around the world, including sites in Canada, England, India, and the Philippines.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
Correction	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State.

Federalism: This action may have federalism implications as defined in EO 13132.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20598–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4712, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA52

DHS—U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

Proposed Rule Stage

69. Asylum and Withholding Definitions

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1103; 8 U.S.C. 1158; 8 U.S.C. 1226; 8 U.S.C. 1252; 8 U.S.C. 1282

CFR Citation: 8 CFR 2; 8 CFR 208.

Legal Deadline: None.

Abstract: This rule proposes to amend Department of Homeland Security regulations that govern eligibility for asylum and withholding of removal. The amendments focus on portions of the regulations that deal with the definitions of membership in a particular social group, the requirements for failure of State protection, and determinations about whether persecution is inflicted on account of a protected ground. This rule codifies long-standing concepts of the definitions. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person who has suffered or fears domestic violence may under certain circumstances be eligible for asylum on that basis. After the Board of Immigration Appeals published a decision on this issue in 1999, Matter of R–A–, Int. Dec. 3403 (BIA 1999), it became clear that the governing regulatory standards required clarification. The Department of Justice began this regulatory initiative by publishing a proposed rule addressing these issues in 2000.

Statement of Need: This rule provides guidance on a number of key interpretive issues of the refugee definition used by adjudicators deciding asylum and withholding of removal (withholding) claims. The interpretive issues include whether persecution is inflicted on account of a protected ground, the requirements for establishing the failure of State protection, and the parameters for defining membership in a particular social group. This rule will aid in the adjudication of claims made by applicants whose claims fall outside of the rubric of the protected grounds of race, religion, nationality, or political opinion. One example of such claims which often fall within the particular social group ground concerns people who have suffered or fear domestic

violence. This rule is expected to consolidate issues raised in a proposed rule in 2000 and to address issues that have developed since the publication of the proposed rule. This rule should provide greater stability and clarity in this important area of the law. This rule will also provide guidance to the following adjudicators: USCIS asylum officers, Department of Justice Executive Office for Immigration Review (EOIR) immigration judges, and members of the EOIR Board of Immigration Appeals (BIA).

Summary of Legal Basis: The purpose of this rule is to provide guidance on certain issues that have arisen in the context of asylum and withholding adjudications. The 1951 Geneva Convention relating to the Status of Refugees contains the internationally accepted definition of a refugee. United States immigration law incorporates an almost identical definition of a refugee as a person outside his or her country of origin ''who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.'' Section 101(a)(42) of the Immigration and Nationality Act.

Alternatives: A sizable body of interpretive case law has developed around the meaning of the refugee definition. Historically, much of this case law has addressed more traditional asylum and withholding claims based on the protected grounds of race, religion, nationality, or political opinion. In recent years, however, the United States increasingly has encountered asylum and withholding applications with more varied bases, related, for example, to an applicant's gender or sexual orientation. Many of these new types of claims are based on the ground of ''membership in a particular social group,'' which is the least well-defined of the five protected grounds within the refugee definition.

On December 7, 2000, DOJ published a proposed rule in the **Federal Register** providing guidance on the definitions of ''persecution'' and ''membership in a particular social group.'' Before DHS publishes a new proposed rule, DHS will consider how the nexus between persecution and a protected ground might be further conceptualized; how membership in a particular social group might be defined and evaluated; and what constitutes a State's inability or unwillingness to protect the applicant where the persecution arises from a non-State actor. The alternative to publishing this rule would be to allow the standards governing this area of law to continue to develop piecemeal through administrative and judicial precedent. This approach has resulted in inconsistent and confusing standards, and the Department has therefore determined that promulgation of the new proposed rule is necessary.

Anticipated Cost and Benefits: By providing a clear framework for key asylum and withholding issues, we anticipate that adjudicators will have clear guidance, increasing administrative efficiency and consistency in adjudicating these cases. The rule will also promote a more consistent and predictable body of administrative and judicial precedent governing these types of cases. We anticipate that this will enable applicants to better assess their potential eligibility for asylum, and to present their claims more efficiently when they believe that they may qualify, thus reducing the resources spent on adjudicating claims that do not qualify. In addition, a more consistent and predictable body of law on these issues will likely result in fewer appeals, both administrative and judicial, and reduce associated litigation costs. The Department has no way of accurately predicting how this rule will impact the number of asylum applications filed in the United States. Based on anecdotal evidence and on the reported experience of other nations that have adopted standards under which the results are similar to those we anticipate for this rule, we do not believe this rule will cause a change in the number of asylum applications filed.

Risks: The failure to promulgate a final rule in this area presents significant risk of further inconsistency and confusion in the law. The Government's interests in fair, efficient, and consistent adjudications would be compromised.

Timetable:

Action	Date	FR Cite
NPRM	12/07/00	65 FR 76588
NPRM Comment Period End.	01/22/01	
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: CIS No. 2092–00.

Transferred from RIN 1115–AF92

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Ted Kim, Deputy Chief, Asylum Division, Office of Refugee, Asylum, and International Operations, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Suite 6030, Washington, DC 20259, *Phone:* 202 272–1614, *Fax:* 202 272–1994, *Email: ted.h.kim@uscis.dhs.gov.*

RIN: 1615–AA41

DHS—USCIS

70. New Classification for Victims of Criminal Activity; Eligibility for the U Nonimmigrant Status

Priority: Other Significant.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1101 (note); 8 U.S.C. 1102; Pub. L. 113–4

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 299.

Legal Deadline: None.

Abstract: This rule proposes new application and eligibility requirements for U nonimmigrant status. The U classification is for non-U.S. citizen/lawful permanent resident victims of certain crimes who cooperate with an investigation or prosecution of those crimes. There is a limit of 10,000 principals per fiscal year. This rule would propose to establish new procedures to be followed to petition for the U nonimmigrant classifications. Specifically, the rule would address the essential elements that must be demonstrated to receive the nonimmigrant classification, procedures that must be followed to file a petition and evidentiary guidance to assist in the petitioning process. Eligible victims would be allowed to remain in the United States if granted U nonimmigrant status. The Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110–457, and the Violence Against Women Reauthorization Act (VAWA) of 2013, Public Law 113–4, made amendments to the U nonimmigrant status provisions of the Immigration and Nationality Act. The Department of Homeland Security had issued an interim final rule in 2007.

Statement of Need: This regulation is necessary to allow alien victims of certain crimes to petition for U nonimmigrant status. U nonimmigrant status is available to eligible victims of certain qualifying criminal activity who: (1) Has suffered substantial physical or mental abuse as a result of the qualifying criminal activity; (2) the alien possesses information about the crime; (3) the alien has been, is being, or is likely to be helpful in the investigation

or prosecution of the crime; and (4) the criminal activity took place in the United States, including military installations and Indian country, or the territories or possessions of the United States. This rule addresses the eligibility requirements that must be met for classification as a U nonimmigrant alien and implements statutory amendments to these requirements, streamlines the procedures to petition for U nonimmigrant status, and provides evidentiary guidance to assist in the petition process.

Summary of Legal Basis: Congress created the U nonimmigrant classification in the Battered Immigrant Women Protection Act of 2000 (BIWPA) to provide immigration relief for alien victims of certain qualifying criminal activity and who are helpful to law enforcement in the investigation or prosecution of these crimes.

Alternatives: To provide victims with immigration benefits and services and keeping in mind the purpose of the U visa as a law enforcement tool, DHS is considering and using suggestions from stakeholders in developing this regulation. These suggestions came in the form of public comment from the 2007 interim final rule as well as USCIS' 6 years of experience with the U nonimmigrant status program, including regular meetings and outreach events with stakeholders and law enforcement.

Anticipated Cost and Benefits: DHS estimated the total annual cost of the interim rule to petitioners to be $6.2 million in the interim final rule published in 2007. This cost included the biometric services fee, the opportunity cost of time needed to submit the required forms, the opportunity cost of time required and cost of traveling to visit a USCIS Application Support Center. DHS is currently in the process of updating our cost estimates since U nonimmigrant visa petitioners are no longer required to pay the biometric services fee. The anticipated benefits of these expenditures include assistance to victims of qualifying criminal activity and their families and increases in arrests and prosecutions of criminals nationwide. Additional benefits include heightened awareness by law enforcement of victimization of aliens in their community, and streamlining the petitioning process so that victims may benefit from this immigration relief.

Risks: There is a statutory cap of 10,000 principal U nonimmigrant visas that may be granted per fiscal year at 8 U.S.C. 1184(p)(2). Eligible petitioners who are not granted principal U–1 nonimmigrant status due solely to the numerical limit will be placed on a waiting list maintained by U.S. Citizenship and Immigration Services (USCIS). To protect U–1 petitioners and their families, USCIS will use various means to prevent the removal of U–1 petitioners and their eligible family members on the waiting list, including exercising its authority to allow deferred action, parole, and stays of removal, in cooperation with other DHS components.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/07	72 FR 53013
Interim Final Rule Effective.	10/17/07	
Interim Final Rule Comment Period End.	11/17/07	
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.

Additional Information: Transferred from RIN 1115–AG39.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Maureen A. Dunn, Chief, Family Immigration and Victim Protection Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW., Suite 1200, Washington, DC 20529, *Phone:* 202 272–1470, *Fax:* 202 272–1480, *Email: maureen.a.dunn@uscis.dhs.gov.*

RIN: 1615–AA67

DHS—USCIS

71. Exception to the Persecution Bar for Asylum, Refugee, and Temporary Protected Status, and Withholding of Removal

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1158; 8 U.S.C. 1226; Pub. L. 107–26; Pub. L. 110–229.

CFR Citation: 8 CFR 1; 8 CFR 207; 8 CFR 208; 8 CFR 240; 8 CFR 244; 8 CFR 1001; 8 CFR 1208; 8 CFR 1240.

Legal Deadline: None.

Abstract: This joint rule proposes amendments to Department of Homeland Security (DHS) and Department of Justice (DOJ) regulations to describe the circumstances under which an applicant will continue to be eligible for asylum, refugee, or temporary protected status, special rule cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act, and withholding of removal, even if DHS or DOJ has determined that the applicant's actions contributed, in some way, to the persecution of others when the applicant's actions were taken when the applicant was under duress.

Statement of Need: This rule resolves ambiguity in the statutory language precluding eligibility for asylum, refugee, and temporary protected status of an applicant who ordered, incited, assisted, or otherwise participated in the persecution of others. The proposed amendment would provide a limited exception for actions taken by the applicant under duress and clarify the required levels of the applicant's knowledge of the persecution.

Summary of Legal Basis: In Negusie v. Holder, 129 S. Ct. 1159 (2009), the Supreme Court addressed whether the persecutor bar should apply where an alien's actions were taken under duress. DHS believes that this is an appropriate subject for rulemaking and proposes to amend the applicable regulations to set out its interpretation of the statute. In developing this regulatory initiative, DHS has carefully considered the purpose and history behind enactment of the persecutor bar, including its international law origins and the criminal law concepts upon which they are based.

Alternatives: DHS did consider the alternative of not publishing a rulemaking on these issues. To leave this important area of the law without an administrative interpretation would confuse adjudicators and the public.

Anticipated Cost and Benefits: The programs affected by this rule exist so that the United States may respond effectively to global humanitarian situations and assist people who are in need. USCIS provides a number of humanitarian programs and protection to assist individuals in need of shelter or aid from disasters, oppression, emergency medical issues, and other urgent circumstances. This rule will advance the humanitarian goals of the asylum/refugee program, and other specialized programs. The main benefits of such goals tend to be intangible and difficult to quantify in economic and monetary terms. These forms of relief have not been available to individuals who engaged in persecution of others under duress. This rule will allow an exception to this bar from protection for applicants who can meet the appropriate evidentiary standard. Consequently, this rule may result in a small increase in the number of applicants for humanitarian programs.

To the extent a small increase in applicants occurs, there could be additional fee costs incurred by these applicants.

Risks: If DHS were not to publish a regulation, the public would face a lengthy period of confusion on these issues. There could also be inconsistent interpretations of the statutory language, leading to significant litigation and delay for the affected public.

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Ronald W. Whitney, Deputy Chief, Refugee and Asylum Law Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529, *Phone:* 415 293–1244, *Fax:* 415 293–1269, *Email: ronald.w.whitney@uscis.dhs.gov.*

RIN: 1615–AB89

DHS—USCIS

72. Administrative Appeals Office: Procedural Reforms To Improve Efficiency

Priority: Other Significant.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112.

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 210; 8 CFR 214; 8 CFR 245a; 8 CFR 320; 8 CFR 105 (new); . . .

Legal Deadline: None.

Abstract: This proposed rule revises the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office. The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components.

Statement of Need: This rule proposes to make numerous changes to streamline the current appeal and motion processes which: (1) Will result in cost savings to the Government, applicants, and petitioners; and (2) will provide for a more efficient use of USCIS officer and clerical staff time, as well as more uniformity with Board of Immigration Appeals appeal and motion processes.

Summary of Legal Basis: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101 and notes 1102, 1103, 1151, 1153, 1154, 1182, 1184, 1185 note (sec. 7209 of Pub. L. 108–458; title VII of Pub. L. 110–229), 1186a, 1187, 1221,1223, 1225 to 1227, 1255a, and 1255a note, 1281, 1282, 1301 to 1305, 1324a, 1356, 1372, 1379, 1409(c), 1443 to 1444, 1448, 1452, 1455, 1641, 1731 to 1732; 31 U.S.C. 9701; 48 U.S.C. 1901, 1931 note; section 643, Public Law 104–208, 110, Stat. 3009–708; section 141 of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau; title VII of Public Law 110–229; Public Law 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); Public Law 82–414, 66 Stat. 173, 238, 254, 264; title VII of Public Law 110–229; Executive Order 12356.

Alternatives: The alternative to this rule would be to continue under the current process without change.

Anticipated Cost and Benefits: As a result of streamlining the appeal and motion process, DHS anticipates quantitative and qualitative benefits to DHS and the public. We also anticipate cost savings to DHS and applicants as a result of the proposed changes.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: None.

Additional Information: Previously 1615–AB29 (CIS 2311–04), which was withdrawn in 2007.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: William K. Renwick, Supervisory Citizenship and Immigration Appeals Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, Washington, DC 20529–2090, *Phone:* 703 224–4501, *Email: william.k.renwick@uscis.dhs.gov.*

Related RIN: Duplicate of 1615–AB29

RIN: 1615–AB98

DHS—USCIS

Final Rule Stage

73. Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for T Nonimmigrant Status

Priority: Other Significant.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101 to 1104; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1187; 8 U.S.C. 1201; 8 U.S.C. 1224 to 1227; 8 U.S.C. 1252 to 1252a; 22 U.S.C. 7101; 22 U.S.C. 7105; Pub. L. 113–4

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299.

Legal Deadline: None.

Abstract: The T nonimmigrant classification was created by the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106–386. The classification was designed for eligible victims of severe forms of trafficking in persons who aid law enforcement with their investigation or prosecution of the traffickers, and who can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States. The rule streamlines application procedures and responsibilities for the Department of Homeland Security (DHS) and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status. Several reauthorizations, including the Violence Against Women Reauthorization Act of 2013, Public Law 113–4, have made amendments to the T nonimmigrant status provisions of the Immigration and Nationality Act. This rule implements those amendments.

Statement of Need: This rule addresses the essential elements that must be demonstrated for classification as a T nonimmigrant alien and implements statutory amendments to these elements, streamlines the procedures to be followed by applicants to apply for T nonimmigrant status, and evidentiary guidance to assist in the application process.

Summary of Legal Basis: Section 107(e) of the Victims of Trafficking and Violence Protection Act of 2000 Public Law 106–386, as amended, established the T classification to provide immigration relief for certain eligible victims of severe forms of trafficking in persons who assist law enforcement authorities in investigating and prosecuting the perpetrators of these crimes.

Alternatives: To provide victims with immigration benefits and services, keeping in mind the purpose of the T visa also being a law enforcement tool, DHS is considering and using suggestions from stakeholders in

developing this regulation. These suggestions came in the form of public comment to the 2002 interim final rule, as well as from over 10 years of experience with the T nonimmigrant status program, including regular meetings with stakeholders and regular outreach events.

Anticipated Cost and Benefits: Applicants for T nonimmigrant status do not pay application or biometric fees. The anticipated benefits of these expenditures include: Assistance to trafficked victims and their families, prosecution of traffickers in persons, and the elimination of abuses caused by trafficking activities. Benefits which may be attributed to the implementation of this rule are expected to be: (1) An increase in the number of cases brought forward for investigation and/or prosecution; (2) heightened awareness by the law enforcement community of trafficking in persons; and (3) streamlining the application process for victims.

Risks: There is a 5,000-person limit to the number of individuals who can be granted T–1 status per fiscal year. Eligible applicants who are not granted T–1 status due solely to the numerical limit will be placed on a waiting list maintained by U.S. Citizenship and Immigration Services (USCIS). To protect T–1 applicants and their families, USCIS will use various means to prevent the removal of T–1 applicants on the waiting list, and their family members who are eligible for derivative T status, including its existing authority to grant deferred action, parole, and stays of removal, in cooperation with other DHS components.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/02	67 FR 4784
Interim Final Rule Effective.	03/04/02	
Interim Final Rule Comment Period End.	04/01/02	
Interim Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.

Additional Information: Transferred from RIN 1115–AG19.

Agency Contact: Maureen A. Dunn, Chief, Family Immigration and Victim Protection Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW., Suite 1200, Washington, DC 20529, *Phone:* 202 272–1470, *Fax:* 202 272–1480, *Email*: *maureen.a.dunn@uscis.dhs.gov*.

RIN: 1615–AA59

DHS—USCIS

74. Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands

Priority: Other Significant.

Legal Authority: Pub. L. 110–229; 8 U.S.C. 1101 and note; 8 U.S.C. 1102; 8 U.S.C. 1103; 8 U.S.C. 1182 and note; 8 U.S.C. 1184; 8 U.S.C. 1187; 8 U.S.C. 1223; 8 U.S.C. 1225; 8 U.S.C. 1226; 8 U.S.C. 1227; 8 U.S.C. 1255; 8 U.S.C. 1185 note; 8 U.S.C. 48; U.S.C. 1806; 8 U.S.C. 1186a; 8 U.S.C. 1187; 8 U.S.C. 1221; 8 U.S.C. 1281; 8 U.S.C. 1282; 8 U.S.C. 1301 to 1305 and 1372; Pub. L. 104–208; Pub. L. 106–386; Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau, sec 141; 48 U.S.C. 1901 note and 1931 note; Pub. L. 105–100; Pub. L. 105–277; 8 U.S.C. 1324a

CFR Citation: 8 CFR 212.4(k)(1) and (2); 8 CFR 214.16(a), (b), (c) and (d); 8 CFR 245.1(d)(1)(v) and (vi); 8 CFR 274a.12(b)(24); 8 CFR 1245.1(d)(1)(v), (vi), and (vii); 8 CFR part 2

Legal Deadline: Final, Statutory, November 28, 2009, Consolidated Natural Resources Act (CNRA) of 2008. Public Law 110–229, the Consolidated Natural Resources Act of 2008 (CNRA), was enacted on May 8, 2008. Title VII of this statute extended the provisions of the Immigration and Nationality Act (INA) to the Commonwealth of the Northern Mariana Islands (CNMI).

Abstract: This final rule amends the Department of Homeland Security (DHS) and the Department of Justice (DOJ) regulations to comply with the CNRA. The CNRA extends the immigration laws of the United States to the CNMI. This rule finalizes the interim rule and implements conforming amendments to their respective regulations.

Statement of Need: This rule finalizes the interim rule to conform existing regulations with the CNRA. Some of the changes implemented under the CNRA affect existing regulations governing both DHS immigration policy and procedures and proceedings before the immigration judges and the Board. Accordingly, it is necessary to make amendments both to the DHS regulations and to the DOJ regulations. The Secretary and the Attorney General are making conforming amendments to their respective regulations in this single rulemaking document.

Summary of Legal Basis: Congress extended the immigration laws of the United States to the CNMI. The stated purpose of the CNRA is to ensure effective border control procedures, to properly address national security and homeland security concerns by extending U.S. immigration law to the CNMI (phasing-out the CNMI's nonresident contract worker program while minimizing to the greatest extent practicable the potential adverse economic and fiscal effects of that phase-out), to maximize the CNMI's potential for future economic and business growth, and to assure worker protections from the potential for abuse and exploitation.

Alternatives:

Anticipated Cost and Benefits: Costs: The interim rule established basic provisions necessary for the application of the INA to the CNMI and updated definitions and existing DHS and DOJ regulations in areas that were confusing or in conflict with how they are to be applied to implement the INA in the CNMI. As such, that rule made no changes that had identifiable direct or indirect economic impacts that could be quantified. Benefits: This final rule makes regulatory changes in order to lessen the adverse impacts of the CNRA on employers and employees in the CNMI and assist the CNMI in its transition to the INA.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/28/09	74 FR 55725
Interim Final Rule Comment Period End.	11/27/09	
Correction	12/22/09	74 FR 67969
Final Action	03/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: CIS 2460–08.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

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Related RIN: Related to 1615–AB76, Related to 1615–AB75

RIN: 1615–AB77

DHS—USCIS

75. Special Immigrant Juvenile Petitions

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1151; 8 U.S.C. 1153; 8 U.S.C. 1154.

CFR Citation: 8 CFR 204; 8 CFR 205; 8 CFR 245.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) proposes to amend its regulations governing the Special Immigrant Juvenile (SIJ) classification and related applications for adjustment of status to permanent resident. The Secretary may grant SIJ classification to aliens whose reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law. This proposed rule would require a petitioner to be under the age of 21 only at the time of filing for SIJ classification. This proposed rule would require that juvenile court dependency be in effect at the time of filing for SIJ classification and continue through the time of adjudication unless the age of the juvenile prevents such continued dependency. Aliens granted SIJ classification are eligible immediately to apply for adjustment of status to that of permanent resident. The Department received comments on the proposed rule in 2011 and intends to issue a final rule in the coming year.

Statement of Need: SIJ classification is available to eligible alien children who: (1) Are present in the United States; (2) have been declared dependent on a juvenile court or an individual or entity appointed by a State or juvenile court; (3) cannot reunify with one or both of the alien's parents due to abuse, abandonment, neglect, or a similar basis under State law; (4) it is not in the best interest to be returned to the home country. DHS must also consent to the grant of SIJ classification. This rule would address the eligibility requirements that must be met for SIJ classification and related adjustment of status, implement statutory amendments to these requirements, and provide procedural and evidentiary guidance to assist in the petition process.

Summary of Legal Basis: Congress established the SIJ classification in the Immigration Act of 1990 (IMMACT). The 1998 Appropriations Act amended the SIJ classification by linking eligibility to aliens declared dependent on a juvenile court due to abuse, abandonment, or neglect and creating consent functions. The Trafficking Victims Protection Reauthorization Act of 2008 made many changes to the SIJ classification including: (1) Creating a requirement that the alien's reunification with one or both parents not be viable due to abuse, abandonment, neglect, or a similar basis under State law; (2) expanding the aliens who may be eligible to include those placed by a juvenile court with an individual or entity; (3) modifying the consent functions; (4) providing age-out protection; and (5) creating a timeframe for adjudications.

Alternatives: To provide victims with immigration benefits and services, keeping in mind the humanitarian purpose of the SIJ classification and the vulnerable nature of alien children who have been abused, abandoned or neglected, DHS is considering and using suggestions from stakeholders in developing this regulation. These suggestions came in the form of public comment from the 2011 proposed rule.

Anticipated Cost and Benefits: In the 2011 proposed rule, DHS estimated there would be no additional regulatory compliance costs for petitioning individuals or any program costs for the government as a result of the proposed amendments. Qualitatively, DHS estimated that the proposed rule would codify the practices and procedures currently implemented via internal policy directives issued by USCIS, thereby establishing clear guidance for petitioners. DHS is currently in the process of updating our final cost and benefit estimates.

Risks: The failure to promulgate a final rule in this area presents significant risk of further inconsistency and confusion in the law. The Government's interests in fair, efficient, and consistent adjudications would be compromised.

Timetable:

Action	Date	FR Cite
NPRM	09/06/11	76 FR 54978
NPRM Comment Period End.	11/07/11	
Final Rule	07/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

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RIN: 1615–AB81

DHS—USCIS

76. Employment Authorization for Certain H–4 Dependent Spouses

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1102; 8 U.S.C. 1103; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1186a; 8 U.S.C. 1187; 8 U.S.C. 1221; 8 U.S.C. 1281; 8 U.S.C. 1282; 8 U.S.C. 1301 to 1305 and 1372; Pub. L. 104–208, sec 643; Pub. L. 106–386; Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau, sec 141; 48 U.S.C. 1901 note and 1931 note; 48 U.S.C. 1806; 8 U.S.C. 1324a; Pub. L. 110–229.

CFR Citation: 8 CFR 274a.12(c)(26); 8 CFR part 2; 8 CFR 214.2(h)(9)(iv).

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) proposes to amend its regulations by extending the availability of employment authorization to certain H–4 dependent spouses of principal H–1B nonimmigrants who have begun the process of seeking lawful permanent resident status through employment. Allowing the eligible class of H–4 dependent spouses to work encourages professionals with high demand skills to remain in the country and help spur the innovation and growth of U.S. companies.

Statement of Need: Under current regulations, DHS does not list H–4 dependents (spouses and unmarried children under 21) of H–1B nonimmigrant workers among the classes of aliens eligible to work in the United States. See 8 CFR 274a.12. The lack of employment authorization for H–4 dependent spouses often gives rise to personal and economic hardship for the families of H–1B nonimmigrants the longer they remain in the United States. In many cases, for those H–1B nonimmigrants and their families who wish to remain permanently in the United States, the timeframe required for an H–1B nonimmigrant to acquire lawful permanent residence through his or her employment may be many years. As a result, retention of highly educated and highly skilled nonimmigrant workers in the United States can become problematic for employers. Retaining highly skilled persons who

intend to acquire lawful permanent residence is important to the United States given the contributions of these individuals to the U.S. economy, including advances in entrepreneurial and research and development endeavors, which correlate highly with overall economic growth and job creation. In this rule, DHS proposes to extend employment authorization to certain H–4 dependent spouses of H–1B nonimmigrants. DHS believes that this rule would further encourage H–1B skilled workers to remain in the United States, continue contributing to the U.S. economy, and not abandon their efforts to become lawful permanent residents, to the detriment of their U.S. employer, because their H–4 nonimmigrant spouses are unable to obtain work authorization. This rule would also remove the disincentive for many H–1B families to start the immigrant process due to the lengthy waiting periods associated with acquiring status as a lawful permanent resident of the United States.

Summary of Legal Basis: Sections 103(a), and 274A(h)(3) of the Immigration and Nationality Act (INA) generally authorize the Secretary to provide for employment authorization for aliens in the United States. In addition, section 214(a)(1) of the INA authorizes the Secretary to prescribe regulations setting terms and conditions of admission of nonimmigrants.

Alternatives: In enacting the American Competitiveness in the Twenty-First Century Act of 2000 (AC21), Congress was especially concerned with avoiding the disruption to U.S. businesses caused by the required departure of H–1B nonimmigrant workers (for whom the businesses intended to file employment-based immigrant visa petitions) upon the expiration of workers' maximum 6-year period of authorized stay. See S. Rep. No. 106–260, at 15 (2000). DHS rejected this alternative as overbroad, since such an alternative would offer eligibility for employment authorization to those spouses of nonimmigrant workers who have not taken steps to demonstrate a desire to continue to remain in and contribute to the U.S. economy by seeking lawful permanent residence.

Anticipated Cost and Benefits: The changes would impact spouses of H–1B workers who have been admitted or have extended their stay under the provisions of AC21 or who have an approved Immigrant Petition for Alien Worker, Form I–140. This population would include H–4 dependent spouses of H–1B nonimmigrants if the H–1B nonimmigrants are either the beneficiaries of an approved Immigrant Petition for Alien Worker, Form I–140, or have been granted an extension of their authorized period of admission in the United States under the AC21, amended by the 21st Century Department of Justice Appropriations Authorization Act. The costs of the rule stem from filing fees and the opportunity costs of time associated with filing an Application for Employment Authorization for those eligible H–4 spouses who decide to seek employment while residing in the United States. Allowing certain H–4 spouses the opportunity to work results in a negligible increase to the overall domestic labor force. The benefits of this rule would accrue to U.S. employers and the U.S. economy by increasing the likelihood of retaining highly-skilled persons who intend to adjust to lawful permanent resident status. This is important when considering the contributions of these individuals to the U.S. economy, including advances in entrepreneurial and research and development endeavors, which are highly correlated with overall economic growth and job creation. In addition, the amendments bring U.S. immigration laws more in line with other countries that seek to attract skilled foreign workers.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/12/14	79 FR 26886
NPRM Comment Period End.	07/11/14	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Includes Retrospective Review under E.O. 13563.

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RIN: 1615–AB92

DHS—USCIS

77. Enhancing Opportunities for H–1B1, CW–1, and E–3 Nonimmigrants and EB–1 Immigrants

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1151; 8 U.S.C. 1153; 8 U.S.C. 1154; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1186a; 8 U.S.C. 1255; 8 U.S.C. 1641; 8 U.S.C. 1187; 8 U.S.C. 1221; 8 U.S.C. 1281; 8 U.S.C. 1282; 8 U.S.C. 1301–1305 and 1372; Pub. L. 104–208, sec 643; Pub. L. 106–386; Compacts of Free Association with the Federated States of Micronesia and the Republic of Marshall Islands, and with the Government of Palau, sec 141; 48 U.S.C. 1901 note and 1931 note; Pub. L. 110–229; 8 U.S.C. 1258; 8 U.S.C. 1324a; 48 U.S.C. 1806; 8 U.S.C. 1102

CFR Citation: 8 CFR 204.5(i)(3)(ii)–(iv); 8 CFR 214.1(c)(1); 8 CFR 248.3(a); 8 CFR 274a.12(b)(9), (b)(20), (b)(23)–(25); 8 CFR part 2.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is updating the regulations to include nonimmigrant high-skilled specialty occupation professionals from Chile and Singapore (H–1B1) and from Australia (E–3) in the list of classes of aliens authorized for employment incident to status with a specific employer, to clarify that H–1B1 and principal E–3 nonimmigrants are allowed to work without having to separately apply to DHS for employment authorization. DHS is also amending the regulations to provide authorization for continued employment with the same employer if the employer has timely filed for an extension of the nonimmigrant's stay. DHS is also providing for this same continued work authorization for Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker (CW–1) nonimmigrants if a Petition for a CNMI-Only Nonimmigrant Transitional Worker, Form I–129CW, is timely filed to apply for an extension of stay. In addition, DHS is updating the regulations describing the filing procedures for extensions of stay and change of status requests to include the principal E–3 and H–1B1 nonimmigrant classifications. These changes harmonize the regulations for E–3, H–1B1, and CW–1 nonimmigrant classifications with existing regulations for other, similarly situated nonimmigrant classifications. Finally, DHS is expanding the current list of evidentiary criteria for employment-based first preference (EB–1) outstanding professors and researchers to allow the submission of evidence comparable to the other forms of

evidence already listed in the regulations. This harmonizes the regulations for EB–1 outstanding professors and researchers with other employment-based immigrant categories that already allow for submission of comparable evidence. DHS is amending the regulations to benefit these high-skilled workers and CW–1 transitional workers by removing unnecessary hurdles that place such workers at a disadvantage when compared to similarly situated workers in other visa classifications.

Statement of Need: The proposal would improve the programs serving the E–3, H–1B1, and CW–1 nonimmigrant classifications and the EB–1 immigrant classification for outstanding professors and researchers. The proposed changes harmonize the regulations governing these classifications with regulations governing similar visa classifications by removing unnecessary hurdles that place E–3, H–1B1, CW–1 and certain EB–1 workers at a disadvantage.

Summary of Legal Basis: The Homeland Security Act of 2002, Public Law 107–296, section 102, 116 Stat. 2135 (Nov. 25, 2002), 6 U.S.C. 112, and the Immigration and Nationality Act of 1952 (INA), charge the Secretary of Homeland Security (Secretary) with administration and enforcement of the immigration and nationality laws. See INA section 103, 8 U.S.C. 1103.

Alternatives: A number of the changes are part of DHS's Retrospective Review Plan for Existing Regulations. During development of DHS's Retrospective Review Plan, DHS received a comment from the public requesting specific changes to the DHS regulations that govern continued work authorization for E–3 and H–1B1 nonimmigrants when an extension of status petition is timely filed, and to expand the types of evidence allowable in support of immigrant petitions for outstanding researchers or professors. This rule is responsive to that comment, and with the retrospective review principles of Executive Order 13563.

Anticipated Cost and Benefits: The E–3 and H–1B1 provisions do not impose any additional costs on petitioning employers, individuals or government entities, including the Federal government. The regulatory amendments provide equity for E–3 and H–1B1 nonimmigrants relative to other employment-based nonimmigrants listed in 8 CFR 274a.12.(b)(20). Additionally, this provision may allow employers of E–3 or H–1B1 nonimmigrant workers to avoid the cost of lost productivity resulting from interruptions of work while an extension of stay petition is pending. Additionally, the regulatory changes that clarify principal E–3 and H–1B1 nonimmigrant classifications are employment authorized incident to status with a specific employer, and that these nonimmigrant classifications that must file a petition with USCIS to make an extension of stay or change of status request simply codify current practice and impose no additional costs. Likewise, the regulatory amendments governing CW–1 nonimmigrants would not impose any additional costs for petitioning employers or for CW–1 nonimmigrant workers. The benefits of the rule are to provide equity for CW–1 nonimmigrant workers whose extension of stay request is filed by the same employer relative to other CW–1 nonimmigrant workers. Additionally, this provision mitigates any potential distortion in the labor market for employers of CW–1 nonimmigrant workers created by current inconsistent regulatory provisions which currently offer an incentive to file for extensions of stay with new employers rather than current employers. The portion of the rule addressing the evidentiary requirements for the EB–1 outstanding professor and researcher employment-based immigrant classification allows for the submission of comparable evidence (achievements not listed in the criteria such as important patents or prestigious, peer-reviewed funding grants) for that listed in 8 CFR 204.5(i)(3)(i)(A) through (F) to establish that the EB–1 professor or researcher is recognized internationally as outstanding in his or her academic field. Harmonizing the evidentiary requirements for EB–1 outstanding professors and researchers with other comparable employment-based immigrant classifications provides equity for EB–1 outstanding professors and researchers relative to those other employment-based visa categories.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/12/14	79 FR 26870
NPRM Comment Period End.	07/11/14	
Final Action	04/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Includes Retrospective Review under Executive Order 13563.

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RIN: 1615–AC00

DHS—U.S. COAST GUARD (USCG)

Final Rule Stage

78. Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System

Priority: Other Significant.

Legal Authority: 33 U.S.C. 1223; 33 U.S.C. 1225; 33 U.S.C. 1231; 46 U.S.C. 3716; 46 U.S.C. 8502; 46 U.S.C. 701; sec 102 of Pub. L. 107–295; EO 12234

CFR Citation: 33 CFR 62; 33 CFR 66; 33 CFR 160; 33 CFR 161; 33 CFR 164; 33 CFR 165; 33 CFR 101; 33 CFR 110; 33 CFR 117; 33 CFR 151; 46 CFR 4; 46 CFR 148.

Legal Deadline: None.

Abstract: This rulemaking would expand the applicability for Notice of Arrival and Departure (NOAD) and Automatic Identification System (AIS) requirements. These expanded requirements would better enable the Coast Guard to correlate vessel AIS data with NOAD data, enhance our ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness. The NOAD portion of this rulemaking could expand the applicability of the NOAD regulations by changing the minimum size of vessels covered below the current 300 gross tons, require a notice of departure when a vessel is departing for a foreign port or place, and mandate electronic submission of NOAD notices to the National Vessel Movement Center. The AIS portion of this rulemaking would expand current AIS carriage requirements for the population identified in the Safety of Life at Sea (SOLAS) Convention and the Marine Transportation Marine Transportation Security Act (MTSA) of 2002.

Statement of Need: There is no central mechanism in place to capture vessel, crew, passenger, or specific cargo information on vessels less than or equal to 300 gross tons (GT) intending to arrive at or depart from U.S. ports unless they are arriving with certain

dangerous cargo (CDC) or at a port in the 7th Coast Guard District; nor is there a requirement for vessels to submit notification of departure information. The lack of NOAD information of this large and diverse population of vessels represents a substantial gap in our maritime domain awareness (MDA). We can minimize this gap and enhance MDA by expanding NOAD applicability to vessels greater than 300 GT, all foreign commercial vessels and all U.S. commercial vessels coming from a foreign port, and further enhance (and corroborate) MDA by tracking those vessels (and others) with AIS. This information is necessary in order to expand our MDA and provide the Nation maritime safety and security.

Summary of Legal Basis: This rulemaking is based on congressional authority provided in the Ports and Waterways Safety Act (see 33 U.S.C. 1223(a)(5), 1225, 1226, and 1231) and section 102 of the Maritime Transportation Security Act of 2002 (codified at 46 U.S.C. 70114).

Alternatives: Our goal is to extend our MDA and to identify anomalies by correlating vessel NOAD data with AIS data. NOAD and AIS information from a greater number of vessels, as proposed in this rulemaking, would expand our MDA. We considered expanding NOAD and AIS to even more vessels, but we determined that we needed additional legislative authority to expand AIS beyond what we propose in this rulemaking, and that it was best to combine additional NOAD expansion with future AIS expansion. Although not in conjunction with a proposed rule, the Coast Guard sought comment regarding expansion of AIS carriage to other waters and other vessels not subject to the current requirements (68 FR 39369, July 1, 2003; USCG 2003–14878; see also 68 FR 39355). Those comments were reviewed and considered in drafting this rule and are available in this docket. To fulfill our statutory obligations, the Coast Guard needs to receive AIS reports and NOADs from vessels identified in this rulemaking that currently are not required to provide this information. Policy or other nonbinding statements by the Coast Guard addressed to the owners of these vessels would not produce the information required to sufficiently enhance our MDA to produce the information required to fulfill our Agency obligations.

Anticipated Cost and Benefits: This rulemaking will enhance the Coast Guard's regulatory program by making it more effective in achieving the regulatory objectives, which, in this case, is improved MDA. We provide flexibility in the type of AIS system that can be used, allowing for reduced cost burden. This rule is also streamlined to correspond with Customs and Border Protection's APIS requirements, thereby reducing unjustified burdens. We are further developing estimates of cost and benefit that were published in 2008. In the 2008 NPRM, we estimated that both segments of the proposed rule would affect approximately 42,607 vessels. The total number of domestic vessels affected is approximately 17,323 and the total number of foreign vessels affected is approximately 25,284. We estimated that the 10-year total present discounted value or cost of the proposed rule to U.S. vessel owners is between $132.2 and $163.7 million (7 and 3 percent discount rates, respectively, 2006 dollars) over the period of analysis. The Coast Guard believes that this rule, through a combination of NOAD and AIS, would strengthen and enhance maritime security. The combination of NOAD and AIS would create a synergistic effect between the two requirements. Ancillary or secondary benefits exist in the form of avoided injuries, fatalities, and barrels of oil not spilled into the marine environment. In the 2008 NPRM, we estimated that the total discounted benefit (injuries and fatalities) derived from 68 marine casualty cases analyzed over an 8-year data period from 1996 to 2003 for the AIS portion of the proposed rule is between $24.7 and $30.6 million using $6.3 million for the value of statistical life (VSL) at 7 percent and 3 percent discount rates, respectively. Just based on barrels of oil not spilled, we expect the AIS portion of the proposed rule to prevent 22 barrels of oil from being spilled annually. The Coast Guard may revise costs and benefits for the final rule to reflect changes resulting from public comments.

Risks: Considering the economic utility of U.S. ports, waterways, and coastal approaches, it is clear that a terrorist incident against our U.S. Maritime Transportation System (MTS) would have a direct impact on U.S. users and consumers and could potentially have a disastrous impact on global shipping, international trade, and the world economy. By improving the ability of the Coast Guard both to identify potential terrorists coming to the United States while the terrorists are far from our shores and to coordinate appropriate responses and intercepts before the vessel reaches a U.S. port, this rulemaking would contribute significantly to the expansion of MDA, and consequently is instrumental in addressing the threat posed by terrorist actions against the MTS.

Timetable:

Action	Date	FR Cite
NPRM	12/16/08	73 FR 76295
Notice of Public Meeting.	01/21/09	74 FR 3534
Notice of Second Public Meeting.	03/02/09	74 FR 9071
NPRM Comment Period End.	04/15/09	
Notice of Second Public Meeting Comment Period End.	04/15/09	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: We have indicated in past notices and rulemaking documents, and it remains the case, that we have worked to coordinate implementation of AIS MTSA requirements with the development of our ability to take advantage of AIS data (68 FR 39355 and 39370, Jul. 1, 2003).

Docket ID USCG–2005–21869.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

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Related RIN: Related to 1625–AA93, Related to 1625–AB28

RIN: 1625–AA99

DHS—USCG

79. Inspection of Towing Vessels

Priority: Other Significant.

Legal Authority: 46 U.S.C. 3103; 46 U.S.C. 3301; 46 U.S.C. 3306; 46 U.S.C. 3308; 46 U.S.C. 3316; 46 U.S.C. 3703; 46 U.S.C. 8104; 46 U.S.C. 8904; DHS Delegation No 0170.1

CFR Citation: 46 CFR 2; 46 CFR 15; 46 CFR 136 to 144.

Legal Deadline: NPRM, Statutory, January 13, 2011. Final, Statutory, October 15, 2011. On October 15, 2010, the Coast Guard Authorization Act of 2010 was enacted as Public Law 111–281. It requires that a proposed rule be issued within 90 days after enactment and that a final rule be issued within 1 year of enactment.

Abstract: This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party auditors and surveyors, along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping.

Statement of Need: This rulemaking would implement section 415 of the Coast Guard and Maritime Transportation Act of 2004. The intent of the proposed rule is to promote safer work practices and reduce casualties on towing vessels by ensuring that towing vessels adhere to prescribed safety standards. This proposed rule was developed in cooperation with the Towing Vessel Safety Advisory Committee. It would establish a new subchapter dedicated to towing vessels, covering vessel equipment, systems, operational standards, and inspection requirements.

Summary of Legal Basis: Proposed new subchapter authority: 46 U.S.C. 3103, 3301, 3306, 3308, 3316, 8104, 8904; 33 CFR 1.05; DHS Delegation 0170.1. The Coast Guard and Maritime Transportation Act of 2004 (CGMTA 2004), Public Law 108–293, 118 Stat. 1028, (Aug. 9, 2004), established new authorities for towing vessels as follows: section 415 added towing vessels, as defined in section 2101 of title 46, United States Code (U.S.C.), as a class of vessels that are subject to safety inspections under chapter 33 of that title (Id. at 1047). Section 415 also added new section 3306(j) of title 46, authorizing the Secretary of Homeland Security to establish, by regulation, a safety management system appropriate for the characteristics, methods of operation, and nature of service of towing vessels (Id.). Section 409 added new section 8904(c) of title 46, U.S.C., authorizing the Secretary to establish, by regulation, ''maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).'' (Id. at 1044–45.)

Alternatives: We considered the following alternatives for the notice of proposed rulemaking (NPRM): One regulatory alternative would be the addition of towing vessels to one or more existing subchapters that deal with other inspected vessels, such as cargo and miscellaneous vessels (subchapter I), offshore supply vessels (subchapter L), or small passenger vessels (subchapter T). We do not believe, however, that this approach would recognize the often ''unique'' nature and characteristics of the towing industry in general and towing vessels in particular. The same approach could be adopted for use of a safety management system by requiring compliance with title 33, Code of Federal Regulations, part 96 (Rules for the Safe Operation of Vessels and Safety Management Systems). Adoption of these requirements, without an alternative safety management system, would also not be ''appropriate for the characteristics, methods of operation, and nature of service of towing vessels.'' The Coast Guard has had extensive public involvement (four public meetings, over 100 separate comments submitted to the docket, as well as extensive ongoing dialogue with members of the Towing Safety Advisory Committee (TSAC)) regarding development of these regulations. Adoption of one of the alternatives discussed above would likely receive little public or industry support, especially considering the TSAC efforts toward development of standards to be incorporated into a separate subchapter dealing specifically with the inspection of towing vessels. An approach that would seem to be more in keeping with the intent of Congress would be the adoption of certain existing standards from those applied to other inspected vessels. In some cases, these existing standards would be appropriately modified and tailored to the nature and operation of certain categories of towing vessels. The adopted standards would come from inspected vessels that have demonstrated ''good marine practice'' within the maritime community. These regulations would be incorporated into a subchapter specifically addressing the inspection for certification of towing vessels. The law requiring the inspection for certification of towing vessels is a statutory mandate, compelling the Coast Guard to develop regulations appropriate for the nature of towing vessels and their specific industry.

Anticipated Cost and Benefits: We estimate that owners and operators of towing vessels would incur additional annualized costs in the range of $14.3 million to $17.1 million at 7 percent discounted from this rulemaking. The cost of this rulemaking would involve provisions for safety management systems, standards for construction, operation, vessel systems, safety equipment, and recordkeeping. Our cost assessment includes existing and new vessels. The Coast Guard developed the requirements in the proposed rule by researching both the human factors and equipment failures that caused towing vessel accidents. We believe that the proposed rule would address a wide range of causes of towing vessel accidents and supports the main goal of improving safety in the towing industry. The primary benefit of the proposed rule is an increase in vessel safety and a resulting decrease in the risk of towing vessel accidents and their consequences. We estimate an annualized benefit of $28.5 million from this rule.

Risks: This regulatory action would reduce the risk of towing vessel accidents and their consequences. Towing vessel accidents result in fatalities, injuries, property damage, pollution, and delays.

Timetable:

Action	Date	FR Cite
NPRM	08/11/11	76 FR 49976
Notice of Public Meetings.	09/09/11	76 FR 55847
NPRM Comment Period End.	12/09/11	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: State.

Additional Information: Docket ID USCG–2006–24412.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: LCDR William Nabach, Project Manager, Office of Design & Engineering Standards, CG–OES–2, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1386, *Email:* *william.a.nabach@uscg.mil.*

RIN: 1625–AB06

DHS—USCG

80. Transportation Worker Identification Credential (TWIC); Card Reader Requirements

Priority: Other Significant.

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191; 50 U.S.C. 192; EO 12656

CFR Citation: 33 CFR, subchapter H.

Legal Deadline: Final, Statutory, August 20, 2010, SAFE Port Act, codified at 46 U.S.C. 70105(k). The final rule is required 2 years after the commencement of the pilot program. The final rule is required 2 years after the commencement of the pilot program.

Abstract: The Coast Guard is establishing electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential (TWIC). Congress enacted several statutory requirements within the Security and Accountability for Every (SAFE) Port Act of 2006 to guide regulations pertaining to TWIC readers, including the need to evaluate TSA's final pilot program report as part of the TWIC reader rulemaking. During the rulemaking process, we will take into account the final pilot data and the various conditions in which TWIC readers may be employed. For example, we will consider the types of vessels and facilities that will use TWIC readers, locations of secure and restricted areas, operational constraints, and need for accessibility. Recordkeeping requirements, amendments to security plans, and the requirement for data exchanges (*i.e.,* Canceled Card List) between TSA and vessel or facility owners/operators will also be addressed in this rulemaking.

Statement of Need: The Maritime Transportation Security Act (MTSA) of 2002 explicitly required the issuance of a biometric transportation security card to all U.S. merchant mariners and to workers requiring unescorted access to secure areas of MTSA-regulated facilities and vessels. On May 22, 2006, the Transportation Security Administration (TSA) and the Coast Guard published a notice of proposed rulemaking (NPRM) to carry out this statute, proposing a Transportation Worker Identification Credential (TWIC) Program where TSA conducts security threat assessments and issues identification credentials, while the Coast Guard requires integration of the TWIC into the access control systems of vessels, facilities, and Outer Continental Shelf facilities. Based on comments received during the public comment period, TSA and the Coast Guard split the TWIC rule. The final TWIC rule, published in January of 2007, addressed the issuance of the TWIC and use of the TWIC as a visual identification credential at access control points. In an ANPRM, published in March of 2009, and a NPRM, published in April of 2013, the Coast Guard proposed a risk-based approach to TWIC reader requirements and included proposals to classify MTSA-regulated vessels and facilities into one of three risk groups, based on specific factors related to TSI consequence, and apply TWIC reader requirements for vessels and facilities in conjunction with their relative risk-group placement. This rulemaking is necessary to comply with the SAFE Port Act and to complete the implementation of the TWIC Program in our ports. By requiring electronic card readers at vessels and facilities, the Coast Guard will further enhance port security and improve access control measures.

Summary of Legal Basis: The statutory authorities for the Coast Guard to prescribe, change, revise, or amend these regulations are provided under 33 U.S.C. 1226, 1231; 46 U.S.C. chapter 701; 50 U.S.C. 191, 192; Executive Order 12656, 3 CFR 1988 Comp., p. 585; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.

Alternatives: The implementation of TWIC reader requirements is mandated by the SAFE Port Act. We considered several alternatives in the formulation of this proposal. These alternatives were based on risk analysis of different combinations of facility and vessel populations facing TWIC reader requirements. The preferred alternative selected allowed the Coast Guard to target the highest risk entities while minimizing the overall burden.

Anticipated Cost and Benefits: The main cost drivers of this rule are the acquisition and installation of TWIC readers and the maintenance of the affected entity's TWIC reader system. Initial costs, which we would distribute over a phased-in implementation period, consist predominantly of the costs to purchase, install, and integrate approved TWIC readers into their current physical access control system. Recurring annual costs will be driven by costs associated with canceled card list updates, opportunity costs associated with delays and replacement of TWICs that cannot be read, and maintenance of the affected entity's TWIC reader system. As reported in the NPRM Regulatory Analysis, the total 10-year total industry and government cost for the TWIC is $234.3 million undiscounted and $186.1 discounted at 7 percent. We estimate the annualized cost of this rule to industry to be $26.5 million at a 7 percent discount rate. The benefits of the rulemaking include the enhancement of the security of vessel ports and other facilities by ensuring that only individuals who hold valid TWICs are granted unescorted access to secure areas at those locations.

Risks: USCG used risk-based decision-making to develop this rulemaking. Based on this analysis, the Coast Guard has proposed requiring higher-risk vessels and facilities to meet the requirements for electronic TWIC inspection, while continuing to allow lower-risk vessels and facilities to use TWIC as a visual identification credential.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/09	74 FR 13360
Notice of Public Meeting.	04/15/09	74 FR 17444
ANPRM Comment Period End.	05/26/09	
Notice of Public Meeting Comment Period End.	05/26/09	
NPRM	03/22/13	78 FR 20558
NPRM Comment Period Extended.	05/10/13	78 FR 27335
NPRM Comment Period Extended End.	06/20/13	
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: None.

Additional Information: Docket ID USCG–2007–28915.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: LT Mason Wilcox, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–FAC–2), 2703 Martin Luther King Jr Ave. SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1123, *Email: mason.c.wilcox@uscg.mil.*

Related RIN: Related to 1625–AB02

RIN: 1625–AB21

DHS—U.S. CUSTOMS AND BORDER PROTECTION (USCBP)

Proposed Rule Stage

81. Amendments to Importer Security Filing and Additional Carrier Requirements

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: Pub. L. 109–347, sec 203; 5 U.S.C. 301; 19 U.S.C. 66; 19

U.S.C. 1431; 19 U.S.C. 1433; 19 U.S.C. 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

CFR Citation: 19 CFR 4.7c; 19 CFR 149.1

Legal Deadline: None.

Abstract: The Importer Security Filing (ISF) regulations require carriers and importers to provide to CBP, via a CBP-approved electronic data interchange system, information necessary to assist CBP in identifying high-risk shipments to prevent smuggling and ensure cargo safety and security. Importers and carriers must currently submit specified information before the cargo is brought into the United States by vessel in accordance with specified time frames. To increase the accuracy and reliability of the advance information, this rule will propose changes to the ISF regulations.

Statement of Need: Since 2009 CBP has collected advance data elements from importers and carriers carrying cargo to the United States by vessel. CBP uses these data to target incoming cargo and prevent dangerous or otherwise illegal cargo from arriving in the United States. To increase the accuracy and reliability of this information CBP intends to publish a notice of proposed rulemaking that proposes some changes to the current importer security filing regulations. This rule is needed to provide CBP with additional data that are needed to conduct security screening and to ensure that the party with the best access to the data is the party responsible for providing this information to CBP.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: CBP anticipates that this rule will result in a cost to ISF importers to submit the additional data to CBP and a security benefit resulting from improved targeting.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Craig Clark, Program Manager, Vessel Manifest & Importer Security Filing, Office of Cargo and Conveyance Security, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–3052, *Email:* *craig.clark@cbp.dhs.gov.*

Related RIN: Related to 1651–AA70

RIN: 1651–AA98

DHS—USCBP

82. • Air Cargo Advance Screening (ACAS)

Priority: Other Significant.

Legal Authority: Not Yet Determined.

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: U.S. Customs and Border Protection (CBP) is proposing to amend the implementing regulations of the Trade Act of 2002 regarding the submission of advance electronic information for air cargo and other provisions to provide for the Air Cargo Advance Screening (ACAS) program. ACAS would require the submission of certain advance electronic information for air cargo. This will allow CBP to better target and identify dangerous cargo and ensure that any risk associated with such cargo is mitigated before the aircraft departs for the United States. CBP, in conjunction with TSA, has been operating ACAS as a voluntary pilot program since 2010 and would like to implement ACAS as a regulatory program.

Statement of Need: DHS has identified an elevated risk associated with cargo being transported to the United States by air. This rule will help address this risk by giving DHS the data it needs to improve targeting of the cargo prior to takeoff.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: Costs of this program to carriers include one-time costs to upgrade systems to facilitate transmission of these data to CBP and recurring per transmission costs. Benefits of the program include improved security that will result from having these data further in advance.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	08/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Regina Kang, Cargo and Conveyance Security, Office of Field Operations, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–2368, *Email:* *regina.kang@cbp.dhs.gov.*

RIN: 1651–AB04

DHS—USCBP

Final Rule Stage

83. Changes to the Visa Waiver Program to Implement the Electronic System for Travel Authorization (ESTA) Program

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 8 U.S.C. 1103; 8 U.S.C. 1187.

CFR Citation: 8 CFR 217.5.

Legal Deadline: None.

Abstract: On June 9, 2008, CBP issued an interim final rule which implemented the Electronic System for Travel Authorization (ESTA) for aliens who travel to the United States under the Visa Waiver Program (VWP) at air or sea ports of entry. Under the rule, VWP travelers must provide certain biographical information to CBP electronically before departing for the United States. This advance information allows CBP to determine before their departure whether these travelers are eligible to travel to the United States under the VWP and whether such travel poses a security risk. The interim final rule also fulfilled the requirements of section 711 of the Implementing recommendations of the 9/11 Commission Act of 2007 (9/11 Act). In addition to fulfilling a statutory mandate, the rule served the two goals of promoting border security and legitimate travel to the United States. By modernizing the VWP, the ESTA increases national security and provides for greater efficiencies in the screening of international travelers by allowing for vetting of subjects of potential interest well before boarding, thereby reducing traveler delays at the ports of entry. CBP requested comments on all aspects of the interim final rule and plans to issue a final rule after completion of the comment analysis.

Statement of Need: The rule fulfills the requirements of section 711 of the 9/11 Act to develop and implement a fully automated electronic travel

authorization system in advance of travel for VWP travelers. The advance information allows CBP to determine before their departure whether VWP travelers are eligible to travel to the United States and to determine whether such travel poses a law enforcement or security risk. In addition to fulfilling a statutory mandate, the rule serves the twin goals of promoting border security and legitimate travel to the United States. ESTA increases national security by allowing for vetting of subjects of potential interest before they depart for the United States. It promotes legitimate travel to the United States by providing for greater efficiencies in the screening of travelers thereby reducing traveler delays upon arrival at U.S. ports of entry.

Summary of Legal Basis: The ESTA program is based on congressional authority provided under section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110–53) and section 217 of the Immigration and Nationality Act (INA), 8 U.S.C. 1187.

Alternatives: When developing the interim final rule, CBP considered three alternatives to this rule: (1) The ESTA requirements in the rule, but with a $1.50 fee per each travel authorization (more costly) (2) The ESTA requirements in the rule, but with only the name of the passenger and the admissibility questions on the I–94W form (less burdensome) (3) The ESTA requirements in the rule, but only for the countries entering the VWP after 2009 (no new requirements for VWP, reduced burden for newly entering countries). CBP determined that the rule provides the greatest level of enhanced security and efficiency at an acceptable cost to traveling public and potentially affected air carriers.

Anticipated Cost and Benefits: The purpose of ESTA is to allow DHS and CBP to establish the eligibility of certain foreign travelers to travel to the United States under the VWP, and whether the alien's proposed travel to the United States poses a law enforcement or security risk. Upon review of such information, DHS will determine whether the alien is eligible to travel to the United States under the VWP. Costs to Air & Sea Carriers: CBP estimated that 8 U.S.-based air carriers and 11 sea carriers will be affected by the rule. An additional 35 foreign-based air carriers and 5 sea carriers will be affected. CBP concluded that costs to air and sea carriers to support the requirements of the ESTA program could cost $137 million to $1.1 billion over the next 10 years depending on the level of effort required to integrate their systems with ESTA, how many passengers they need to assist in applying for travel authorizations, and the discount rate applied to annual costs. Costs to Travelers: ESTA will present new costs and burdens to travelers in VWP countries who were not previously required to submit any information to the U.S. Government in advance of travel to the United States. Travelers from Roadmap countries who become VWP countries will also incur costs and burdens, though these are much less than obtaining a nonimmigrant visa (category B1/B2), which is currently required for short-term pleasure or business to travel to the United States. CBP estimated that the total quantified costs to travelers will range from $1.1 billion to $3.5 billion depending on the number of travelers, the value of time, and the discount rate. Annualized costs are estimated to range from $133 million to $366 million. Benefits: As set forth in section 711 of the 9/11 Act, it was the intent of Congress to modernize and strengthen the security of the Visa Waiver Program under section 217 of the Immigration and Nationality Act (INA, 8 U.S.C. 1187) by simultaneously enhancing program security requirements and extending visa-free travel privileges to citizens and eligible nationals of eligible foreign countries that are partners in the war on terrorism. By requiring passenger data in advance of travel, CBP may be able to determine, before the alien departs for the United States, the eligibility of citizens and eligible nationals from VWP countries to travel to the United States under the VWP, and whether such travel poses a law enforcement or security risk. In addition to fulfilling a statutory mandate, the rule serves the twin goals of promoting border security and legitimate travel to the United States. By modernizing the VWP, ESTA is intended to both increase national security and provide for greater efficiencies in the screening of international travelers by allowing for the screening of subjects of potential interest well before boarding, thereby reducing traveler delays based on potentially lengthy processes at U.S. ports of entry. CBP concluded that the total benefits to travelers could total $1.1 billion to $3.3 billion over the period of analysis. Annualized benefits could range from $134 million to $345 million. In addition to these benefits to travelers, CBP and the carriers should also experience the benefit of not having to administer the I–94W except in limited situations. While CBP has not conducted an analysis of the potential savings, it should accrue benefits from not having to produce, ship, and store blank forms. CBP should also be able to accrue savings related to data entry and archiving. Carriers should realize some savings as well, though carriers will still have to administer the Customs Declaration forms for all passengers aboard the aircraft and vessel.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Action.	06/09/08	73 FR 32440
Interim Final Rule Effective.	08/08/08	
Interim Final Rule Comment Period End.	08/08/08	
Notice—Announcing Date Rule Becomes Mandatory.	11/13/08	73 FR 67354
Final Action	03/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: http://www.cbp.gov/xp/cgov/travel/id_visa/esta/.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Suzanne Shepherd, Director, Electronic System for Travel Authorization, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–2073, *Email: suzanne.m.shepherd@cbp.dhs.gov.*

Related RIN: Related to 1651–AA83

RIN: 1651–AA72

DHS—USCBP

84. Implementation of the Guam–Cnmi Visa Waiver Program (Section 610 Review)

Priority: Other Significant. Major under 5 U.S.C. 801.

Legal Authority: Pub. L. 110–229, sec. 702.

CFR Citation: 8 CFR 100.4; 8 CFR 212.1; 8 CFR 233.5; 8 CFR 235.5; 19 CFR 4.7b; 19 CFR 122.49a.

Legal Deadline: Final, Statutory, November 4, 2008, Pub. L. 110–229.

Abstract: The IFR (or the final rule planned for the coming year) rule amends Department of Homeland

Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

Statement of Need: Previously, aliens who were citizens of eligible countries could apply for admission to Guam at a Guam port of entry as nonimmigrant visitors for a period of 15 days or less, for business or pleasure, without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission. Section 702(b) of the CNRA supersedes the Guam visa waiver program by providing for a visa waiver program for Guam and the Commonwealth of the Northern Mariana Islands (Guam-CNMI Visa Waiver Program). Section 702(b) required DHS to promulgate regulations within 180 days of enactment of the CNRA to allow nonimmigrant visitors from eligible countries to apply for admission into Guam and the CNMI, for business or pleasure, without a visa, for a period of authorized stay of no longer than 45 days. Under the interim final rule, a visitor seeking admission under the Guam-CNMI Visa Waiver Program must be a national of an eligible country and must meet the requirements enumerated in the current Guam visa waiver program as well as additional requirements that bring the Guam-CNMI Visa Waiver Program into soft alignment with the U.S. Visa Waiver Program provided for in 8 CFR 217. The country eligibility requirements take into account the intent of the CNRA and ensure that the regulations meet current border security needs. The country eligibility requirements are designed to: (1) ensure effective border control procedures, (2) properly address national security and homeland security concerns in extending U.S. immigration law to the CNMI, and (3) maximize the CNMI's potential for future economic and business growth. This interim rule also provided that visitors from the People's Republic of China and Russia have provided a significant economic benefit to the CNMI. However, nationals from those countries cannot, at this time, seek admission under the Guam-CNMI Visa Waiver Program due to security concerns. Pursuant to section 702(a) of the CNRA, which extends the immigration laws of the United States to the CNMI, this rule also establishes six ports of entry in the CNMI to enable the Secretary of Homeland Security (the Secretary) to administer and enforce the Guam-CNMI Visa Waiver Program.

Summary of Legal Basis: The Guam-CNMI Visa Waiver Program is based on congressional authority provided under 702(b) of the Consolidated Natural Resources Act of 2008 (CNRA).

Alternatives: None.

Anticipated Cost and Benefits: CBP is currently evaluating the costs and benefits associated with finalizing the interim final rule. The most significant change for admission to the CNMI as a result of the rule was for visitors from those countries who are not included in either the existing U.S. Visa Waiver Program or the Guam-CNMI Visa Waiver Program established by the rule. These visitors must apply for U.S. visas, which require in-person interviews at U.S. embassies or consulates and higher fees than the CNMI assessed for its visitor entry permits. These are losses associated with the reduced visits from foreign travelers who no longer visited the CNMI upon implementation of this rule. The anticipated benefits of the rule were enhanced security that would result from the federalization of the immigration functions in the CNMI.

Risks: No risks.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action	08/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Paul Minton, CBP Officer (Program Manager), Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–2723, *Email:* *paul.a.minton@cbp.dhs.gov*.

Related RIN: Related to 1651–AA81

RIN: 1651–AA77

DHS—USCBP

85. Definition of Form I–94 To Include Electronic Format.

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1201; 8 U.S.C. 1301; 8 U.S.C. 1303 to 1305; 5 U.S.C. 301; Pub. L. 107–296, 116 stat 2135; 6 U.S.C. 1 *et seq.*.

CFR Citation: 8 CFR 1.4; 8 CFR 264.1(b).

Legal Deadline: None.

Abstract: The Form I–94 is issued to certain aliens upon arrival in the United States or when changing status in the United States. The Form I–94 is used to document arrival and departure and provides evidence of the terms of admission or parole. CBP is transitioning to an automated process whereby it will create a Form I–94 in an electronic format based on passenger, passport, and visa information currently obtained electronically from air and sea carriers and the Department of State as well as through the inspection process. Prior to this rule, the Form I–94 was

solely a paper form that was completed by the alien upon arrival. After the implementation of the Advance Passenger Information System (APIS) following 9/11, CBP began collecting information on aliens traveling by air or sea to the United States electronically from carriers in advance of arrival. For aliens arriving in the United States by air or sea, CBP obtains almost all of the information contained on the paper Form I–94 electronically and in advance via APIS. The few fields on the Form I–94 that are not collected via APIS are either already collected by the Department of State and transmitted to CBP or can be collected by the CBP officer from the individual at the time of inspection. This means that CBP no longer needs to collect Form I–94 information as a matter of course directly from aliens traveling to the United States by air or sea. At this time, the automated process will apply only to aliens arriving at air and sea ports of entry.

Statement of Need: This rule makes the necessary changes to the regulations to enable CBP to transition to an automated process whereby CBP will create an electronic Form I–94 based on the information in its databases.

Summary of Legal Basis: Section 103(a) of the Immigration and Nationality Act (INA) generally authorizes the Secretary of Homeland Security to establish such regulations and prescribe such forms of reports, entries, and other papers necessary to carry out his or her authority to administer and enforce the immigration and nationality laws and to guard the borders of the United States against illegal entry of aliens.

Alternatives: CBP considered two alternatives to this rule: eliminating the paper Form I–94 in the air and sea environments entirely and providing the paper Form I–94 to all travelers who are not B–1/B–2 travelers. Eliminating the paper Form I–94 option for refugees, applicants for asylum, parolees, and those travelers who request one would not result in a significant cost savings to CBP and would harm travelers who have an immediate need for an electronic Form I–94 or who face obstacles to accessing their electronic Form I–94. A second alternative to the rule is to provide a paper Form I–94 to any travelers who are not B–1/B–2 travelers. Under this alternative, travelers would receive and complete the paper Form I– 94 during their inspection when they arrive in the United States. The electronic Form I–94 would still be automatically created during the inspection, but the CBP officer would need to verify that the information appearing on the form matches the information in CBP's systems. In addition, CBP would need to write the Form I–94 number on each paper Form I–94 so that their paper form matches the electronic record. As noted in the analysis, 25.1 percent of aliens are non-B–1/B–2 travelers. Filling out and processing this many paper Forms I–94 at airports and seaports would increase processing times considerably. At the same time, it would only provide a small savings to the individual traveler.

Anticipated Cost and Benefits: With the implementation of this rule, CBP will no longer collect Form I–94 information as a matter of course directly from aliens traveling to the United States by air or sea. Instead, CBP will create an electronic Form I–94 for foreign travelers based on the information in its databases. This rule makes the necessary changes to the regulations to enable CBP to transition to an automated process. Both CBP and aliens would bear costs as a result of this rule. CBP would bear costs to link its data systems and to build a Web site so aliens can access their electronic Forms I–94. CBP estimates that the total cost for CBP to link data systems, develop a secure Web site, and fully automate the Form I–94 fully will equal about $1.3 million in calendar year 2012. CBP will incur costs of $0.09 million in subsequent years to operate and maintain these systems. Aliens arriving as diplomats and students would bear costs when logging into the Web site and printing electronic I–94s. The temporary workers and aliens in the ''Other/Unknown'' category bear costs when logging into the Web site, traveling to a location with public internet access, and printing a paper copy of their electronic Form I–94. Using the primary estimate for a traveler's value of time, aliens would bear costs between $36.6 million and $46.4 million from 2013 to 2016. Total costs for this rule for 2013 would range from $34.2 million to $40.1 million, with a primary estimate of costs equal to $36.7 million. CBP, carriers, and foreign travelers would accrue benefits as a result of this rule. CBP would save contract and printing costs of $15.6 million per year of our analysis. Carriers would save a total of $1.3 million in printing costs per year. All aliens would save the eight-minute time burden for filling out the paper Form I–94 and certain aliens who lose the Form I–94 would save the $330 fee and 25-minute time burden for filling out the Form I–102. Using the primary estimate for a traveler's value of time, aliens would obtain benefits between $112.6 million and $141.6 million from 2013 to 2016. Total benefits for this rule for 2013 would range from $110.7 million to $155.6 million, with a primary estimate of benefits equal to $129.5 million. Overall, this rule results in substantial cost savings (benefits) for foreign travelers, carriers, and CBP. CBP anticipates a net benefit in 2013 of between $59.7 million and $98.7 million for foreign travelers, $1.3 million for carriers, and $15.5 million for CBP. Net benefits to U.S. entities (carriers and CBP) in 2013 total $16.8 million. CBP anticipates the total net benefits to both domestic and foreign entities in 2013 range from $76.5 million to $115.5 million. In our primary analysis, the total net benefits are $92.8 million in 2013. For the primary estimate, annualized net benefits range from $78.1 million to $80.0 million, depending on the discount rate used. More information on costs and benefits can be found in the interim final rule.

Risks: N/A.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/27/13	78 FR 18457
Interim Final Rule Comment Period End.	04/26/13	
Interim Final Rule Effective.	04/26/13	
Final Action	03/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Suzanne Shepherd, Director, Electronic System for Travel Authorization, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–2073, *Email:* *suzanne.m.shepherd@cbp.dhs.gov*.

RIN: 1651–AA96

DHS—TRANSPORTATION SECURITY ADMINISTRATION (TSA)

Proposed Rule Stage

86. Security Training for Surface Mode Employees

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs 1408, 1517, and 1534.

CFR Citation: 49 CFR 1520; 49 CFR 1570; 49 CFR 1580; 49 CFR 1582 (new); 49 CFR 1584 (new).

Legal Deadline: Final, Statutory, November 1, 2007, Interim Rule for public transportation agencies is due 90 days after date of enactment.

Final, Statutory, August 3, 2008, Rule for public transportation agencies is due 1 year after date of enactment.

Final, Statutory, February 3, 2008, Rule for railroads and over–the–road buses are due 6 months after date of enactment.

According to section 1408 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), interim final regulations for public transportation agencies are due 90 days after the date of enactment (Nov. 1, 2007), and final regulations are due 1 year after the date of enactment of this Act. According to section 1517 of the same Act, final regulations for railroads and over–the–road buses are due no later than 6 months after the date of enactment.

Abstract: The Transportation Security Administration (TSA) intends to propose a new regulation to address the security of freight railroads, public transportation, passenger railroads, and over-the-road buses in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act). As required by the 9/11 Act, the rulemaking will propose that certain railroads, public transportation agencies, and over-the-road bus companies provide security training to their frontline employees in the areas of security awareness, operational security, and incident prevention and response. The rulemaking will also propose extending security coordinator and reporting security incident requirements applicable to rail operators under current 49 CFR part 1580 to the non-rail transportation components of covered public transportation agencies and over-the-road buses. The regulation will take into consideration any current security training requirements or best practices and will propose definitions for transportation of security-sensitive materials, as required by the 9/11 Act.

Statement of Need: Employee training is an important and effective tool for averting or mitigating potential terrorist attacks by terrorists or others with malicious intent who may target surface transportation and plan or perpetrate actions that may cause significant injuries, loss of life, or economic disruption.

Summary of Legal Basis:, 49 U.S.C. 114; sections 1408, 1517, and 1534 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives:, TSA is required by statute to publish regulations requiring security training programs for these owner/operators. As part of its notice of proposed rulemaking, TSA will seek public comment on the alternative ways in which the final rule could carry out the requirements of the statute.

Anticipated Cost and Benefits:, TSA is in the process of determining the costs and benefits of this rulemaking.

Risks:, The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By providing for security training for personnel, TSA intends in this rulemaking to reduce the risk of a terrorist attack on this transportation sector.

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Local.

URL For Public Comments: *www.regulations.gov*.

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Related RIN:, Related to 1652–AA56, Merged with 1652–AA57, Merged with 1652–AA59

RIN: 1652–AA55

DHS—TSA

87. Standardized Vetting, Adjudication, and Redress Services

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: 49 U.S.C. 114, 5103A, 44903 and 44936; 46 U.S.C. 70105; 6 U.S.C. 469; Pub. L. 110–53, secs 1411, 1414, 1520, 1522 and 1602.

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The Transportation Security Administration (TSA) intends to propose new regulations to revise and standardize the procedures, adjudication criteria, and fees for most of the security threat assessments (STA) of individuals for which TSA is responsible. The scope of the rulemaking will include transportation workers who are required to undergo an STA, including surface, maritime, and aviation workers. TSA will propose fees to cover the cost of all STAs. TSA plans to improve efficiencies in processing STAs and streamline existing regulations by simplifying language and removing redundancies. As part of this proposed interim final rule (IFR), TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an interim final rule for AFSP on September 20, 2004. TSA regulations require aliens seeking to train at Federal Aviation Administration-regulated flight schools to complete an application and undergo an STA prior to beginning flight training. There are four categories under which students currently fall; the nature of the STA depends on the student's category. TSA is considering changes to the AFSP that would improve the equity among fee payers and enable the implementation of new technologies to support vetting.

Statement of Need: TSA proposes to meet the requirements of 6 U.S.C. 469, which requires TSA to fund security threat assessment and credentialing activities through user fees. The proposed rulemaking should reduce reliance on appropriations for certain vetting services; minimize redundant background checks; and increase transportation security by enhancing identification and immigration verification standards.

Summary of Legal Basis: 49 U.S.C. 114(f): Under the Aviation and Transportation Security Act (ATSA) (Pub. L. 170–71, Nov. 19, 2001, 115 Stat. 597), TSA assumed responsibility to assess security in all modes of transportation and minimize threats to national and transportation security. TSA is required to vet certain aviation workers pursuant to 49 U.S.C. 44903 and 44936. TSA is required to vet individuals with unescorted access to maritime facilities pursuant to the Maritime Transportation Security Act (MTSA) (Pub. L. 107–295, sec. 102, Nov. 25, 2002, 116 Stat. 2064), codified at 46 U.S.C. 70105. Pursuant to the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) (Pub. L. 107–56, Oct. 25, 2001, 115 Stat. 272), TSA vets individuals seeking hazardous materials endorsements (HME) for commercial drivers licensed by the States. In 6 U.S.C. 469, Congress directed TSA to fund vetting and credentialing programs in the field of transportation through user fees.

Alternatives: TSA considered a number of viable alternatives to the proposed regulation. These alternatives are discussed in detail in the proposed rule and regulatory impact analysis.

Anticipated Cost and Benefits: TSA is in the process determining the costs and benefits of this proposed rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Additional Information: Includes Retrospective Review under Executive Order 13563.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

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Related RIN: Related to 1652–AA35

RIN: 1652–AA61

DHS—TSA

Final Rule Stage

88. Passenger Screening Using Advanced Imaging Technology

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 44925.

CFR Citation: 49 CFR 1540.107.

Legal Deadline: None.

Abstract: The Transportation Security Administration (TSA) intends to issue a final rule to address whether screening and inspection of an individual, conducted to control access to the sterile area of an airport or to an aircraft, may include the use of advanced imaging technology (AIT). The notice of proposed rulemaking (NPRM) was published on March 26, 2012, to comply with the decision rendered by the U.S. Court of Appeals for the District of Columbia Circuit in Electronic Privacy Information Center (EPIC) v. U.S. Department of Homeland Security on July 15, 2011. 653 F.3d 1 (D.C. Cir. 2011). The Court directed TSA to conduct notice and comment rulemaking on the use of AIT in the primary screening of passengers.

Statement of Need: TSA is issuing this rulemaking to respond to the decision of the U.S. Court of Appeals for the District of Columbia Circuit in EPIC v. DHS 653 F.3d 1 (D.C. Cir. 2011).

Summary of Legal Basis: In its decision in EPIC v. DHS 653 F.3d 1 (D.C. Cir. 2011), the Court of Appeals for the District of Columbia Circuit found that TSA failed to justify its failure to conduct notice and comment rulemaking and remanded to TSA for further proceedings.

Alternatives: As alternatives to the preferred regulatory proposal presented in the NPRM, TSA examined three other options. These alternatives include a continuation of the screening environment prior to 2008 (no action), increased use of physical pat-down searches that supplements primary screening with walk through metal detectors (WTMDs), and increased use of explosive trace detection (ETD) screening that supplements primary screening with WTMDs. These alternatives, and the reasons why TSA rejected them in favor of the proposed rule, are discussed in detail in chapter 3 of the AIT NPRM regulatory evaluation.

Anticipated Cost and Benefits: TSA reports that the net cost of AIT deployment from 2008–2011 has been $841.2 million (undiscounted) and that TSA has borne over 99 percent of all costs related to AIT deployment. TSA projects that from 2012–2015 net AIT related costs will be approximately $1.5 billion (undiscounted), $1.4 billion at a three percent discount rate, and $1.3 billion at a seven percent discount rate. During 2012–2015, TSA estimates it will also incur over 98 percent of AIT-related costs with equipment and personnel costs being the largest categories of expenditures. The operations described in this rule produce benefits by reducing security risks through the deployment of AIT that is capable of detecting both metallic and non-metallic weapons and explosives. Terrorists continue to test security measures in an attempt to find and exploit vulnerabilities. The threat to aviation security has evolved to include the use of non-metallic explosives. AIT is a proven technology based on laboratory testing and field experience and is an essential component of TSA's security screening because it provides the best opportunity to detect metallic and nonmetallic anomalies concealed under clothing. More information about costs and benefits can be found in the Notice of Proposed Rulemaking.

Risks: DHS aims to prevent terrorist attacks and to reduce the vulnerability of the United States to terrorism. By screening passengers with AIT, TSA will reduce the risk that a terrorist will smuggle a non-metallic threat on board an aircraft.

Timetable:

Action	Date	FR Cite
NPRM	03/26/13	78 FR 18287
NPRM Comment Period End.	06/24/13	
Final Rule	07/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: *www.regulations.gov*.

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RIN: 1652–AA67

DHS—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (USICE)

Final Rule Stage

89. Adjustments to Limitations on Designated School Official Assignment and Study by F–2 and M–2 Nonimmigrants

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101 to 1103; 8 U.S.C. 1182; 8 U.S.C. 1184

CFR Citation: 8 CFR 214.2(f)(15); 8 CFR 214.3(a); 8 CFR 214.

Legal Deadline: None.

Abstract: This final rule will revise 8 CFR parts 214.2 and 214.3. As proposed, it would provide additional flexibility to schools in determining the number of designated school officials (DSOs) to nominate for the oversight of the school's campuses where F–1 and M–1 nonimmigrant students are enrolled. Current regulation limits the number of DSOs to 10 per school, or 10 per campus in a multi-campus school. Second, as proposed, the rule would permit F–2 and M–2 spouses and children accompanying academic and vocational nonimmigrant students with F–1 or M–1 nonimmigrant status to enroll in study at an SEVP-certified school so long as any study remains less than a full course of study.

Statement of Need: The rule would improve management of international student programs and increase opportunities for study by spouses and children of nonimmigrant students. The rule would grant school officials more flexibility in determining the number of designated school officials (DSOs) to nominate for the oversight of campuses. The rule would also provide greater incentive for international students to study in the United States by permitting accompanying spouses and children of academic and vocational nonimmigrant students with F–1 or M–1 nonimmigrant status to enroll in less than a full course of study at an SEVP-certified school.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: The anticipated costs of the rule derive from the existing requirement for reporting to DHS additional DSOs and any training that new DSOs would undertake. The primary benefits of the NPRM are providing flexibility to schools in the number of DSOs allowed and providing greater incentive for international students to study in the United States by permitting accompanying spouses and children of academic and vocational nonimmigrant students in F–1 or M–1 status to enroll in study at an SEVP-certified school so long as they are not engaged in a full course of study.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/21/13	78 FR 69778
NPRM Comment Period End.	01/21/14	
Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

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Related RIN: Previously reported as 1615–AA19

RIN: 1653–AA63

BILLING CODE 9110–9B–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Statement of Regulatory Priorities

The Regulatory Plan for the Department of Housing and Urban Development (HUD) for Fiscal Year (FY) 2015, together with HUD's Fall Semiannual Agenda of Regulations, highlights the most significant regulatory initiatives that HUD seeks to complete during the upcoming fiscal year. As described by Secretary Castro during his confirmation hearings, HUD is a critical federal agency because it directly impacts American families, from enforcing fair housing rights to revitalizing distressed areas, from assisting veterans and finding permanent housing, to helping communities rebuild after a natural disaster hits, HUD impacts small towns, big cities, rural communities and tribal communities across the country.[1] Through its programs, HUD works to strengthen the housing market and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; and build inclusive and sustainable communities free from discrimination.

As discussed in HUD's 2010–2015, Strategic Plan, a central feature of HUD's mission is nurturing opportunities for job growth and business expansion in American communities, particularly those that are economically distressed. HUD's experience is that job growth and business expansion are essential to creating viable communities that provide residents opportunities that enhance their quality of life. Economic development, however, must be tailored to the assets and needs of the community in a way that maintains and enhances affordability and local character. HUD utilizes several tools to achieve this goal, including the providing tax incentives and Federal financial assistance that assist communities to carry out a wide range of community development activities directed toward neighborhood revitalization, economic development, and improved community facilities and services. Another tool that HUD has to support job growth and economic activity is Section 3 of the Housing and Urban Development Act of 1968, as amended, which ensures that

[1] *Senate Banking, Housing and Urban Affairs Committee Confirmation Hearing on the Nomination of Julian Castro to be Housing and Urban Development Secretary and Laura S. Wertheimer to be the Federal Housing Finance Agency Inspector General,* 113th Cong. (June 17, 2014) (Statement of Julián Castro).

employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

Consistent with its 2010–2015 Strategic Plan, HUD's Regulatory Plan for FY2015 focuses on strengthening, through regulation, Section 3 to update and better align it with the statutory changes to HUD's housing and community development programs since HUD issued the regulation in 1994. This effort will also provide recipients of HUD financial assistance more discretion when carrying out their Section 3 responsibilities while simultaneously increasing their accountability to HUD and the communities that they serve.

Priority: Enhancing Economic Development and Job Creation Through Section 3

The purpose of Section 3 is to ensure that the employment and other economic opportunities generated by Federal financial assistance, to the greatest extent feasible, be directed to low-and very low-income persons, particularly those who are recipients of government assistance for housing. In this regard, the statute recognizes that the employment and other economic opportunities generated by projects and activities that receive Federal housing and community development assistance offer an effective means of empowering low- and very low-income persons and to business concerns that provide economic opportunities to these persons. Notwithstanding, HUD's Section 3 regulations have not been updated since 1994. In the 20 years that have passed since HUD promulgated its Section 3 regulations, significant legislation has been enacted that affects HUD programs that are subject Section 3. These legislative changes are not adequately addressed by HUD's current Section 3 regulations.

In addition, recipients of Section 3 covered HUD financial assistance, community advocates, representatives from national housing organizations, Section 3 residents and businesses, and other interested parties have expressed, in HUD's organized listening sessions, that the existing regulations are not sufficiently explicit about specific actions that could be undertaken to achieve compliance; that the existing regulations do not clearly describe the extent to which recipients may require subrecipients, contractors, and subcontractors to comply with Section 3; and actions that recipients may take to impose meaningful sanctions for noncompliance by their subrecipients, contractors, and subcontractors. Finally, HUD's Office of Inspector General (OIG) conducted an audit in 2013 to assess HUD's oversight of Section 3 in response to concerns about economic opportunities that were provided (or should have been provided) as a result of the expenditure of financial assistance under the American Reinvestment and Recovery Act (Recovery Act) (Public Law 111–5, approved February 17, 2009).

As a result, HUD proposes to update and clarify its Section 3 regulations to better fulfill the purpose of Section 3 and maximize the employment and contracting opportunities available to the low and very low-income residents of communities enjoying the benefit of Federal financial assistance in support of economic development and to business concerns that provide economic opportunities to these persons.

Regulatory Action: Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses Through Strengthened ''Section 3'' Requirements

Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992, contributes to the establishment of stronger, more sustainable communities by ensuring that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns that provide economic opportunities to these persons. HUD is statutorily charged with the authority and responsibility to implement and enforce Section 3. HUD's regulations implementing the requirements of Section 3 have not been updated since 1994. This proposed rule would update HUD's Section 3 regulations to address new programs established since 1994 that are subject to the Section 3 requirements, and revise the regulations to both better promote compliance with the requirements of Section 3 by recipients of Section 3 covered financial assistance, while also recognizing barriers to compliance that may exist, and overall strengthening HUD's oversight of Section 3.

Aggregate Costs and Benefits

Executive Order 12866, as amended, requires the agency to provide its best estimate of the combined aggregate costs and benefits of all regulations included in the agency's Regulatory Plan that will be made effective in calendar year 2015. HUD expects that the neither the total economic costs nor the total efficiency gains will exceed $100 million.

Priority Regulations in HUD's FY 2015 Regulatory Plan

HUD—OFFICE OF THE SECRETARY

Proposed Rule Stage

Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses Through Strengthened ''Section 3'' Requirements

Priority: Significant.

Legal Authority: 12 U.S.C. 1701u; 42 U.S.C. 1450; 42 U.S.C. 3301; 42 U.S.C. 3535(d).

CFR Citation: 24 CFR 135.

Legal Deadline: None.

Abstract: This proposed rule would revise HUD's regulations found at 24 CFR part 135, which ensure that employment, training, and contracting opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of Government assistance for housing and to business concerns that provide economic opportunities to these persons. Part 135 was last revised to incorporate the statutory amendments of the Housing and Community Development Act of 1992. This proposed rule would update part 135 to: (1) Reflect certain changes in the design and implementation of HUD programs that are subject to the section 3 regulations; (2) clarify the obligations of covered recipient agencies; and (3) simplify the Department's section 3 complaint processing procedures.

Statement of Need: Section 3 requirements have been governed by an interim regulation since 1994 and the Department is obligated to promulgate final regulations. Equally important, HUD programs subject to Section 3 have undergone significant legislative change. This includes, reforms made to HUD's Indian housing programs by the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330, approved October 26, 1996); public housing reforms made by the Quality Housing and Work Responsibility Act of 1998 (QHWRA) (Public Law 105–276,

approved by October 21, 1998); reforms made to HUD's supportive housing programs by the Section 202 Supportive Housing for the Elderly Act of 2010 (Public Law 111–372, approved January 4, 2011), and the Frank Melville Supportive Housing Investment Act of 2010 (Public Law 111–347, approved January 4, 2011); and more recently reforms made to HUD's public housing by the Rental Assistance Demonstration program authorized by the act appropriating 2012 funding for HUD, the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55, approved November 18, 2011). HUD proposes to clarify and strengthen its Section 3 regulations to incorporate new programs established since 1994 that are subject to Section 3 requirements, revise the existing regulation to enhance compliance by recipients of covered HUD assistance, and mitigate barriers to achieving compliance.

In August 2010, HUD hosted a Section 3 Listening Forum [2] that brought together recipients of Section 3 covered HUD financial assistance, community advocates, representatives from national housing organizations, Section 3 residents and businesses, and other interested parties to highlight best practices and to discuss barriers to implementation across the country. The forum offered recipients of Section 3 covered financial assistance the opportunity to identify challenges they were facing in complying with Section 3. Participants stated that the existing regulations are not sufficiently explicit about specific actions that could be undertaken to achieve compliance; that the existing regulations do not clearly describe the extent to which recipients may require subrecipients, contractors, and subcontractors to comply with Section 3; and actions that recipients may take to impose meaningful sanctions for noncompliance by their subrecipients, contractors, and subcontractors.

In addition, HUD's Office of Inspector General (OIG) conducted an audit in 2013 to assess HUD's oversight of Section 3 in response to concerns about economic opportunities that were provided (or should have been provided) as a result of the expenditure of financial assistance under the American Reinvestment and Recovery Act (Recovery Act) (Public Law 111–5, approved February 17, 2009). HUD's OIG concluded that HUD did not enforce the reporting requirements of Section 3 for recipients of FY 2009 Recovery Act Public Housing Capital funds from HUD.[3] HUD's OIG made several recommendations to address its findings including developing procedures to take administrative measures against recipients that fail to comply with Section 3 requirements and publishing a Section 3 final rule.

Alternatives: Efforts have been made to improve HUD's Section 3 efforts independent of regulatory change, by increased reporting compliance, use of Notices of Financial Assistance (NOFA) competitions for Section 3 coordinators, and a business registry. These initiatives have been helpful, but as HUD's Office of Inspector General [4] noted, regulatory change is important and necessary to clarify areas of confusion without subjecting recipients who operated in good faith to legal problems.

Anticipated Costs and Benefits: The proposed rule will enhance employment opportunities for Section 3 residents and contracting opportunities for Section 3 businesses. In doing so, the proposed rule imposes additional recordkeeping, verification, procurement, monitoring, and complaint processing requirements on covered recipients. Additional administrative work will be one of the outcomes of an invigorated effort to provide economic opportunities to the greatest extent feasible. HUD has estimated that total reporting and record keeping burden would be $6.5 million the first year the rule goes into effect and $2.2 million annually in succeeding years.

Section 3 does not create additional jobs. Instead, a more rigorous targeting of economic opportunity will direct (transfer) positions and contracts to those eligible under Section 3. A reasonable estimate of the impact would be protection for an additional 1,400 Section 3 jobs annually from increased oversight and clarification of program standards. Finally, as tenant incomes rise, the federal rental subsidy for those tenants would decline. Such an effect would constitute a transfer from tenants to the U.S. government and could be as large as $19 million annually.

This rule will not have any impact on the level of funding for the impacted programs. Funding is determined independently by congressional appropriations. It will, however, affect the allocation of resources.

Risks: This rule poses no risk to public health, safety, or the environment.

Timetable:

Action	Date	FR CITE
NPRM	12/00/2014	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Federalism Affected: No.

Energy Affected: No.

International Impacts: No.

Agency Contact:Agency Contact: Sara K. Pratt, Deputy Assistant Secretary for Enforcement and Programs, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, *Phone:* 202 402–6978.

RIN: 2529–AA91

HUD—Office of Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

90. Economic Opportunities for Low- and Very Low-Income Persons (FR–4893)

Priority: Other Significant.

Legal Authority: 12 U.S.C. 1701u; 42 U.S.C. 1450; 42 U.S.C. 3301; 42 U.S.C. 3535(d)

CFR Citation: 24 CFR 135.

Legal Deadline: None.

Abstract: This proposed rule would revise HUD's regulations found at 24 CFR part 135, which ensure that employment, training, and contracting opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of Government assistance for housing and to business concerns that provide economic opportunities to these persons. Part 135 was last revised to incorporate the statutory amendments of the Housing and Community Development Act of 1992. This proposed rule would update part 135 to: (1) Reflect certain changes in the design and implementation of HUD programs that are subject to the section 3 regulations; (2) clarify the obligations of covered recipient agencies; and (3) simplify the Department's section 3 complaint processing procedures.

Statement of Need: Section 3 requirements have been governed by an

[2] *https://nhlp.org/files/09%20Section%203%20Barriers%20and%20best%20practices%208%2024%2010%20Final%20with%20attachment.pdf*

[3] See: *http://www.hudoig.gov/reports-publications/audit-reports/hud-did-not-enforce-reporting-requirements-of-section-3-of.*

[4] *http://www.hudoig.gov/reports-publications/audit-reports/hud-did-not-enforce-reporting-requirements-of-section-3-of*

interim regulation since 1994 and the Department is obligated to promulgate final regulations. Equally important, HUD programs subject to Section 3 have undergone significant legislative change. This includes, reforms made to HUD's Indian housing programs by the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330, approved October 26, 1996); public housing reforms made by the Quality Housing and Work Responsibility Act of 1998 (QHWRA) (Public Law 105–276, approved by October 21, 1998); reforms made to HUD's supportive housing programs by the Section 202 Supportive Housing for the Elderly Act of 2010 (Public Law 111–372, approved January 4, 2011), and the Frank Melville Supportive Housing Investment Act of 2010 (Public Law 111–347, approved January 4, 2011); and more recently reforms made to HUD's public housing by the Rental Assistance Demonstration program authorized by the act appropriating 2012 funding for HUD, the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55, approved November 18, 2011). HUD proposes to clarify and strengthen its Section 3 regulations to incorporate new programs established since 1994 that are subject to Section 3 requirements, revise the existing regulation to enhance compliance by recipients of covered HUD assistance, and mitigate barriers to achieving compliance.

In August 2010, HUD hosted a Section 3 Listening Forum [5] that brought together recipients of Section 3 covered HUD financial assistance, community advocates, representatives from national housing organizations, Section 3 residents and businesses, and other interested parties to highlight best practices and to discuss barriers to implementation across the country. The forum offered recipients of Section 3 covered financial assistance the opportunity to identify challenges they were facing in complying with Section 3. Participants stated that the existing regulations are not sufficiently explicit about specific actions that could be undertaken to achieve compliance; that the existing regulations do not clearly describe the extent to which recipients may require subrecipients, contractors, and subcontractors to comply with Section 3; and actions that recipients may take to impose meaningful sanctions for noncompliance by their subrecipients, contractors, and subcontractors.

In addition, HUD's Office of Inspector General (OIG) conducted an audit in 2013 to assess HUD's oversight of Section 3 in response to concerns about economic opportunities that were provided (or should have been provided) as a result of the expenditure of financial assistance under the American Reinvestment and Recovery Act (Recovery Act) (Public Law 111–5, approved February 17, 2009). HUD's OIG concluded that HUD did not enforce the reporting requirements of Section 3 for recipients of FY 2009 Recovery Act Public Housing Capital funds from HUD [6]. HUD's OIG made several recommendations to address its findings including developing procedures to take administrative measures against recipients that fail to comply with Section 3 requirements and publishing a Section 3 final rule.

Summary of Legal Basis: Section 3 was enacted as a part of the Housing and Urban Development Act of 1968 (Public Law 90–448, approved August 1, 1968) to bring economic opportunities, generated by the expenditure of certain HUD financial assistance, to the greatest extent feasible, to low- and very low-income persons residing in communities where the financial assistance is expended. Section 3 recognizes that HUD funds are often one of the largest sources of funds expended in low-income communities and, where such funds are spent on activities such as construction and rehabilitation of housing and other public facilities, the expenditure results in new jobs and other opportunities. By directing new economic opportunities to residents and businesses in the community in which the funds are expended, the expenditure can have the double benefit of creating new or rehabilitated housing or other facilities in such communities while also creating jobs for the residents of these communities. Section 3 was amended by the Housing and Community Development Act of 1992 (Public Law 102–550, approved October 28, 1992), which required the Secretary of HUD to promulgate regulations to implement Section 3, codified at 12 U.S.C. 1701u. HUD's Section 3 regulations were promulgated through an interim rule published on June 30, 1994, at 59 FR 33880, and are codified in 24 CFR part 135. This proposed rule would update HUD's Section 3 regulations to address new programs established since 1994 that are subject to the Section 3 requirements, and revise the regulations to both better promote compliance with the requirements of Section 3 by recipients of Section 3 covered financial assistance, while also recognizing barriers to compliance that may exist, and overall strengthening HUD's oversight of Section 3.

Alternatives: Efforts have been made to improve HUD's Section 3 efforts independent of regulatory change, by increased reporting compliance, use of Notices of Financial Assistance (NOFA) competitions for Section 3 coordinators, and a business registry. These initiatives have been helpful, but as HUD's Office of Inspector General [7] noted, regulatory change is important and necessary to clarify areas of confusion without subjecting recipients who operated in good faith to legal problems.

Anticipated Cost and Benefits: The proposed rule will enhance employment opportunities for Section 3 residents and contracting opportunities for Section 3 businesses. In doing so, the proposed rule imposes additional recordkeeping, verification, procurement, monitoring, and complaint processing requirements on covered recipients. Additional administrative work will be one of the outcomes of an invigorated effort to provide economic opportunities to the greatest extent feasible. HUD has estimated that total reporting and record keeping burden would be $6.5 million the first year the rule goes into effect and $2.2 million annually in succeeding years.

Section 3 does not create additional jobs. Instead, a more rigorous targeting of economic opportunity will direct (transfer) positions and contracts to those eligible under Section 3. A reasonable estimate of the impact would be protections for an additional 1,400 Section 3 jobs annually from increased oversight and clarification of program standards. Finally, as tenant incomes rise, the federal rental subsidy for those tenants would decline. Such an effect would constitute a transfer from tenants to the U.S. government and could be as large as $19 million annually.

This rule will not have any impact on the level of funding for the impacted programs. Funding is determined independently by congressional appropriations. It will, however, affect the allocation of resources.

Risks: This rule poses no risk to public health, safety, or the environment.

[5] *https://nhlp.org/files/09%20Section%203%20Barriers%20and%20best%20practices%208%2024%2010%20Final%20with%20attachment.pdf.*

[6] See: *http://www.hudoig.gov/reports-publications/audit-reports/hud-did-not-enforce-reporting-requirements-of-section-3-of.*

[7] *http://www.hudoig.gov/reports-publications/audit-reports/hud-did-not-enforce-reporting-requirements-of-section-3-of.*

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Sara K. Pratt, Deputy Assistant Secretary for Enforcement and Programs, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, *Phone:* 202 402–6978.

RIN: 2529–AA91

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR (DOI)

Statement of Regulatory Priorities

The Department of the Interior (DOI) is the principal Federal steward of our Nation's public lands and resources, including many of our cultural treasures. DOI serves as trustee to Native Americans and Alaska native trust assets and is responsible for relations with the island territories under United States jurisdiction. The Department manages more than 500 million acres of Federal lands, including 401 park units, 560 wildlife refuges, and approximately 1.7 billion submerged offshore acres. These areas include natural resources that are essential for America's industry—oil and gas, coal, and minerals such as gold and uranium. On public lands and the Outer Continental Shelf, Interior provides access for renewable and conventional energy development and manages the protection and restoration of surface-mined lands.

The Department protects and recovers endangered species; protects natural, historic, and cultural resources; manages water projects that are a lifeline and economic engine for many communities in the West; manages forests and fights wildfires; manages Federal energy resources; regulates surface coal mining operations; reclaims abandoned coal mines; educates children in Indian schools; and provides recreational opportunities for over 400 million visitors annually in the Nation's national parks, public lands, national wildlife refuges, and recreation areas.

DOI will continue to review and update its regulations and policies to ensure that they are effective and efficient, and that they promote accountability and sustainability. DOI will emphasize regulations and policies that:

- Promote environmentally responsible, safe, and balanced development of renewable and conventional energy on our public lands and the Outer Continental Shelf (OCS);
- Use the best available science to ensure that public resources are protected, conserved, and used wisely;
- Preserve America's natural treasures for future generations;
- Improve the nation-to-nation relationship with American Indian tribes and promote tribal self-determination and self-governance;
- Promote partnerships with States, tribes, local governments, other groups, and individuals to achieve common goals; and
- Promote transparency, fairness, accountability, and the highest ethical standards while maintaining performance goals.

Major Regulatory Areas

The Department's bureaus implement congressionally mandated programs through their regulations. Some of these regulatory programs include:

- Developing onshore and offshore energy, including renewable, mineral, oil and gas, and other energy resources;
- Regulating surface coal mining and reclamation operations on public and private lands;
- Managing migratory birds and preserving marine mammals and endangered species;
- Managing dedicated lands, such as national parks, wildlife refuges, National Landscape Conservation System lands, and American Indian trust lands;
- Managing public lands open to multiple use;
- Managing revenues from American Indian and Federal minerals;
- Fulfilling trust and other responsibilities pertaining to American Indians and Alaska Natives;
- Managing natural resource damage assessments; and
- Managing assistance programs.

Regulatory Policy

DOI's regulatory programs seek to operate programs transparently, efficiently, and cooperatively while maximizing protection of our land, resources, and environment in a fiscally responsible way by:

(1) Protecting Natural, Cultural, and Heritage Resources.

The Department's mission includes protecting and providing access to our Nation's natural and cultural heritage and honoring our trust responsibilities to tribes. We are committed to this mission and to applying laws and regulations fairly and effectively. Our priorities include protecting public health and safety, restoring and maintaining public lands, protecting threatened and endangered species, ameliorating land- and resource-management problems on public lands, and ensuring accountability and compliance with Federal laws and regulations.

(2) Sustainably Using Energy, Water, and Natural Resources.

Since the beginning of the Obama Administration, the Department has focused on renewable energy issues and has established priorities for environmentally responsible development of renewable energy on public lands and the OCS. Industry has responded by investing in the development of wind farms off the Atlantic seacoast and solar, wind, and geothermal energy facilities throughout the West. Power generation from these new energy sources produces virtually no greenhouse gases and, when done in an environmentally responsible manner, harnesses with minimum impact abundant renewable energy. The Department will continue its intra- and inter-departmental efforts to move forward with the environmentally responsible review and permitting of renewable energy projects on public lands, and will identify how its regulatory processes can be improved to facilitate the responsible development of these resources.

In implementing these priorities through its regulations, the Department will create jobs and contribute to a healthy economy while protecting our signature landscapes, natural resources, wildlife, and cultural resources.

(3) Empowering People and Communities.

The Department strongly encourages public participation in the regulatory process and will continue to actively engage the public in the implementation of priority initiatives. Throughout the Department, individual bureaus and offices are ensuring that the American people have an active role in managing our Nation's public lands and resources.

For example, every year FWS establishes migratory bird hunting seasons in partnership with flyway councils composed of State fish and wildlife agencies. FWS also holds a series of public meetings to give other interested parties, including hunters and other groups, opportunities to participate in establishing the upcoming season's regulations. Similarly, BLM uses Resource Advisory Councils to advise on management of public lands and resources. These citizen-based groups allow individuals from all

backgrounds and interests to have a voice in management of public lands.

Retrospective Review of Regulations

President Obama's Executive Order 13563 directs agencies to make the regulatory system work better for the American public. Regulations should ''. . . protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.'' DOI's plan for retrospective regulatory review identifies specific efforts to relieve regulatory burdens, add jobs to the economy, and make regulations work better for the American public while protecting our environment and resources. The DOI plan seeks to strengthen and maintain a culture of retrospective review by consolidating all regulatory review requirements into DOI's annual regulatory plan.

The Department routinely meets with stakeholders to solicit feedback and gather input on how to incorporate performance based standards. DOI has received helpful public input through this process and will continue to participate in this effort with relevant interagency partners as part of its retrospective regulatory review.

Under section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulation Identifier Numbers (RINs) were identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan, which can be viewed at *http://www.doi.gov/open/regsreview*.

Bureau	Title & RIN	Description	Reduces burdens on small business?
Office of Natural Resources Revenue.	Oil and Gas Royalty Valuation. 1012–AA13	DOI is exploring a simplified market-based approach to arrive at the value of oil and gas for royalty purposes that could dramatically reduce accounting and paperwork requirements and costs on industry and better ensure proper royalty valuation by creating a more transparent royalty calculation method.	Yes.
Fish and Wildlife Service	ESA Section 7 Consultation Process; Incidental Take Statements. 1018–AX85	Court decisions over the last decade have prompted us, along with the National Marine Fisheries Service (NOAA, Commerce), to consider clarifying our regulations concerning incidental take statements during section 7 consultation under the Endangered Species Act. A proposed rule published on September 4, 2013. The proposed changes address use of surrogates to express the limit of exempted take and how to determine when deferral of an incidental take exemption is appropriate. This is a joint rulemaking with NOAA.	No.
Fish and Wildlife Service	Regulations Governing Designation of Critical Habitat Under Section 4 of the ESA. 1018–AX86	The proposed rule would revise requirements for designating critical habitat under the Endangered Species Act. The proposed revisions would make minor edits to the scope and purpose, add and remove some definitions, and clarify the criteria for designating critical habitat. A number of factors, including litigation and experience in interpreting and applying the statutory definition of critical habitat, have highlighted the need to clarify or revise the current regulations. This is a joint rulemaking with NOAA.	No.
Fish and Wildlife Service	Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act. 1018–AX87	This draft policy would explain how we consider partnerships and conservation plans; habitat conservation plans; and tribal, military, and Federal lands in the exclusion process. This draft policy is meant to complement our proposed regulatory amendments regarding exclusions from critical habitat and to clarify expectations regarding critical habitat. The policy would provide a credible, predictable, and simplified critical-habitat-exclusion process and foster clarity and consistency in designation of critical habitat. We will seek public review and comment on the proposed policy. This is a joint policy with NOAA.	No.
Fish and Wildlife Service	ESA Section 7 Consultation Regulations; Definition of ''Destruction or Adverse Modification'' of Critical Habitat. 1018–AX88	The proposed rule would amend the existing regulations governing section 7 consultation under the Endangered Species Act to revise the definition of ''destruction or adverse modification'' of critical habitat. The current regulatory definition has been invalidated by the courts for being inconsistent with the language of the Endangered Species Act. The revised definition will provide the Services and Federal agencies with greater clarity in how to ensure that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat, consistent with section 7(a)(2) of the ESA. This is a joint rulemaking with NOAA.	No.

Bureau	Title & RIN	Description	Reduces burdens on small business?
Bureau of Indian Affairs	Procedures for Establishing that an Indian Group Exists as an Indian Tribe. 1076–AF18	The Department is examining its regulations governing the process and criteria by which Indian groups are federally acknowledged as Indian tribes to determine how regulatory changes could increase transparency, timeliness, efficiency, and flexibility, while maintaining the integrity of the acknowledgment process.	No.

DOI bureaus work to make our regulations easier to comply with and understand. Our regulatory process ensures that bureaus share ideas on how to reduce regulatory burdens while meeting the requirements of the laws they enforce and improving their stewardship of the environment and resources. Results include:

• Effective stewardship of our Nation's resources in a way that is responsive to the needs of small businesses;

• Increased benefits per dollar spent by careful evaluation of the economic effects of planned rules; and

• Improved compliance and transparency by use of plain language in our regulations and guidance documents.

Bureaus and Offices Within DOI

The following sections give an overview of some of the major regulatory priorities of DOI bureaus and offices.

Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) provides services to approximately 1.9 million Indians and Alaska Natives, and maintains a government-to-government relationship with the 566 federally recognized Indian tribes. The Bureau also administers and manages 55 million acres of surface land and 57 million acres of subsurface minerals held in trust by the United States for Indians and Indian tribes. BIA's mission is to enhance the quality of life, promote economic opportunity, and protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives, as well as to provide quality education opportunities to students in Indian schools.

In the coming year, BIA will continue its focus on improved management of trust responsibilities with each regulatory review and revision. The Bureau will also continue to promote economic development in Indian communities by ensuring the regulations support, rather than hinder, productive land management.

In addition, BIA will focus on updating Indian education regulations and on other regulatory changes to increase transparency in support of the President's Open Government Initiative.

In the coming year, BIA's regulatory priorities are to:

• Develop regulations to meet the Indian trust reform goals for rights-of-ways across Indian land.

• Develop regulatory changes necessary for improved Indian education.

BIA is reviewing regulations that require the Bureau of Indian Education to follow 23 different State adequate yearly progress standards; the review will determine whether a uniform standard would better meet the needs of students at Bureau-funded schools. With regard to undergraduate education, the Bureau of Indian Education is reviewing regulations that address grants to tribally controlled community colleges and other Indian education regulations. These reviews will identify provisions that need to be updated to comply with applicable statutes and ensure that the proper regulatory framework is in place to support students in Bureau-funded schools.

• Develop regulatory changes to reform the process for Federal acknowledgment of Indian tribes.

Over the years, BIA has received significant comments from American Indian groups and members of Congress on the Federal acknowledgment process. Most of these comments criticize the current process as cumbersome, overly restrictive, and lacking transparency. BIA is reviewing the Federal acknowledgment regulations to determine how regulatory changes may streamline the acknowledgment process and clarify criteria by which an Indian group is examined.

• Revise regulations to reflect updated statutory provisions and increase transparency.

BIA is making a concentrated effort to improve the readability and precision of its regulations. Because trust beneficiaries often turn to the regulations for guidance on how a given BIA process works, BIA is ensuring that each revised regulation is written as clearly as possible and accurately reflects the current organization of the Bureau. The Bureau is also simplifying language and eliminating obsolete provisions. In the coming year, the Bureau also plans to revise regulations regarding rights-of-way (25 CFR 169); Indian Reservation Roads (25 CFR 170); and certain regulations specific to the Osage Nation.

Bureau of Land Management

BLM manages the 245-million-acre National System of Public Lands, located primarily in the western States, including Alaska, and the 700-million-acre subsurface mineral estate located throughout the Nation. In doing so, BLM manages such varied uses as energy and mineral development, outdoor recreation, livestock grazing, and forestry and woodlands products. BLM's complex multiple-use mission affects the lives of millions of Americans, including those who live near and visit the public lands, as well as those who benefit from the commodities, such as minerals, energy, or timber, produced from the lands' rich resources. In undertaking its management responsibilities, BLM seeks to conserve our public lands' natural and cultural resources and sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. In the coming year, BLM's highest regulatory priorities include:

• Revising outdated hydraulic fracturing regulations.

BLM's existing regulations applicable to hydraulic fracturing were promulgated over 20 years ago and do not reflect modern technology. In seeking to modernize its requirements and ensure the protection of our Nation's public lands, BLM will finalize a rule that will disclose to the public chemicals used in hydraulic fracturing on public land and Indian land, strengthen regulations related to well-bore integrity, and address issues related to recovered fluids.

• Creating a competitive process for offering lands for solar and wind energy development.

BLM recently published a proposed rule that would establish an efficient competitive process for leasing public lands for solar and wind energy development. The amended regulations would establish competitive bidding procedures for lands within designated

solar and wind energy development leasing areas, define qualifications for potential bidders, and structure the financial arrangements necessary for the process. The rule would enhance BLM's ability to capture fair market value for the use of public lands, ensure fair access to leasing opportunities for renewable energy development, and foster the growth and development of the renewable energy sector of the economy.

• Preventing waste of produced gas and ensuring fair return to the taxpayer.

BLM's current requirements regarding venting and flaring from oil and gas operations are over three decades old. The agency is currently preparing a proposed rule to address emissions reductions and minimize waste through improved standards for venting, flaring, and fugitive losses of methane from oil and gas production facilities on Federal and Indian lands.

• Seeking public input on managing waste mine methane.

BLM issued an advance notice of proposed rulemaking (ANPRM) requesting information from the public that might assist the bureau in the establishment of a program to capture, use, or destroy waste mine methane from Federal coal leases and Federal leases for other solid minerals. The BLM is currently reviewing the information received through that process to identify potential appropriate regulatory approaches to reduce the waste of methane from mining operations on public lands.

• Ensuring a fair return to the American taxpayer for oil shale development.

BLM is preparing a final rule that would ensure responsible development of federal oil shale resources and evaluate necessary safeguards to protect scarce water resources and important wildlife habitat while ensuring a fair royalty to the American people.

Bureau of Ocean Energy Management (BOEM)

The Bureau of Ocean Energy Management (BOEM) promotes energy independence, environmental protection, and economic development through responsible, science-based management of offshore conventional and renewable energy resources. It is dedicated to fostering the development of both conventional and renewable energy and mineral resources on the Outer Continental Shelf (OCS) in an efficient and effective manner, balancing the need for economic growth with the protection of the environment. BOEM thoughtfully considers and balances the potential environmental impacts involved in exploring and extracting these resources. BOEM's near-term regulatory agenda will focus on a number of issues, including:

• Expanding renewable energy resources.

As part of President Obama's comprehensive plan to expand domestic clean energy sources, BOEM has held multiple offshore renewable energy lease sales along the Atlantic coast. These lease sales are the result of years of collaboration, data gathering and analysis, and outreach and have resulted in the identification of areas that are rich with potential wind resources but also minimize conflicts with other important OCS uses. . Based on the experiences to date in the offshore renewable energy program, BOEM is evaluating lessons learned and identifying opportunities for improvement in the program. As a part of this effort, BOEM is conducting a comprehensive review of our renewable energy regulations and highlighting areas for potential revision. For example, the Bureau recently completed a rulemaking to provide additional time for renewable energy developers to submit certain plans, after BOEM determined that the previous timelines for submission were proving to be unreasonable. This change provides an appropriate balance between ensuring diligent progress on our renewable energy leases and accounting for the needs of the renewable energy development community.

Two proposed rulemakings address recommendations submitted to BOEM by the Transportation Research Board of the National Academies and its stakeholders. Specifically, these include recommendations to: develop and incorporate state of the art wind turbine design standards and to clarify the role of Certified Verification Agents as part of the process of designing, fabricating, and installing offshore wind energy facilities for the OCS.

• Promoting safe drilling activities on the Arctic Outer Continental Shelf

BOEM, jointly with the Bureau of Safety and Environmental Enforcement (BSEE), is developing proposed rules to promote safe, responsible, and effective drilling activities on the Alaska Outer Continental Shelf, while also ensuring the protection of Alaska's coastal communities and the marine environment.

• Protecting the Environment.

In a continuing effort to ensure that the effects of any future potential oil spills can be minimized and fully mitigated, BOEM is amending its regulations to raise the limits of liability associated with future spills. BOEM has teamed with the U.S. Coast Guard and the Department of Justice in developing new regulations to ensure that necessary resources will be made available to address potential contingencies of any future oil spill and associated damages.

• Updating BOEM's Air Quality Program.

BOEM's original air quality rules date largely from 1980 and have not been updated substantially since that time. From 1990 to 2012, DOI has exercised jurisdiction for air quality only for OCS sources operating in the Gulf of Mexico. In fiscal year 2012, Congress expanded DOI's authority by transferring to it responsibility for monitoring OCS air quality off the North Slope Borough of the State of Alaska, including the Beaufort Sea, the Chukchi Sea, and part of the Hope Basin. BOEM is in the process of updating its regulations to reflect changes that have occurred over the past thirty-four years and the new regulatory jurisdiction. In its development of proposed regulations, BOEM will continue to consult and coordinate its efforts with the U.S. Fish and Wildlife Service, the National Park Service and the Environmental Protection Agency.

• Modernizing Oil and Gas Leasing Regulations.

BOEM is developing a final rule to update and streamline the existing OCS leasing regulations to better reflect modern policy priorities, including incentivizing diligent development, as well as to reflect changes in applicable laws that have occurred over the past several years. The final rule reorganizes leasing requirements to communicate more effectively and clearly the leasing process as it has evolved, and to better delineate the roles, responsibilities and associated liabilities of all parties having an economic interest in leases or facilities on the OCS.

• Protecting OCS Sand, Gravel, and Shell Resources.

In light of the continuing need to provide resources to protect the coast from natural disasters like Hurricane Sandy, BOEM is developing policies and goals to formally address the use of OCS sand, gravel, or shell resources funded by the Federal government. These policies are intended to ensure that necessary sand and gravel resources remain available to help communities that have been harmed by hurricanes and other disasters, so that beaches and other natural resources can effectively be restored, without adversely impacting the development of transmission lines and pipelines needed for energy development projects. Taken together, these policies will ensure that the development of renewable and

conventional energy resources continues to take place in areas adjacent to key sand and gravel resource zones and that sand and gravel resources continue to be available for construction projects, shore protection, beach replenishment, or wetlands restoration purposes.

• Promoting Effective Financial Assurance and Risk Management.

BOEM has the responsibility to ensure that lessees and operators on the OCS do not engage in activities that could generate an undue risk of financial loss to the government. BOEM formally established a program office to review these issues, and issued an advance notice of proposed rulemaking seeking feedback on potential regulatory approaches to promote effective financial assurance and risk management. Agency staff will continue to work with industry and others to determine how to improve the regulatory regime to better align with the realities of aging offshore infrastructure, hazard risks, and increasing costs of decommissioning.

Bureau of Safety and Environmental Enforcement

BSEE's mission is to regulate safety, emergency preparedness, environmental responsibility and appropriate development and conservation of offshore oil and natural gas resources. BSEE's regulatory priorities are guided by the BSEE FY 2012–2015 Strategic Plan, which includes two strategic goals to focus the Bureau's priorities in fulfillment of its mission:

• Regulate, enforce, and respond to OCS development using the full range of authorities, policies, and tools to compel safety and environmental responsibility and appropriate development of offshore oil and natural gas resources.

• Build and sustain the organizational, technical, and intellectual capacity within and across BSEE's key functions—capacity that keeps pace with OCS industry technology improvements, innovates in regulation and enforcement, and reduces risk through systemic assessment and regulatory and enforcement actions.

BSEE has identified the following four areas of regulatory priorities: (1) Safety; (2) Oil Spill Response; (3) Arctic; and (4) Managing and Mitigating Risk via Improved Technology. Other regulatory topics under development include decommissioning costs, pipelines, and renewable energy.

• Safety

BSEE will be requesting comments on regulatory options for improving aviation safety, crane safety, and safety management systems.

• Oil Spill Response

BSEE will update regulations for offshore oil spill response planning and preparedness. This rule will incorporate lessons learned from the Deepwater Horizon incident, improved preparedness capability standards, and applicable research findings.

• Arctic

BSEE is working with BOEM on a joint proposed rule to promote safe, responsible, and effective drilling activities on the Arctic OCS while ensuring protection of the Arctic's communities and marine environment.

• Managing and Mitigating Risk via Improved Technology

BSEE will develop a proposed rule containing requirements on blowout preventers and critical reforms in the areas of well design, well control, casing, cementing, real-time monitoring, and subsea containment. This proposed rule will address and implement multiple recommendations resulting from various investigations from the Deepwater Horizon incident.

Additionally, BSEE will finalize revisions of its rule on production safety systems and life cycle analysis. This rule will expand the use of life cycle management of critical equipment. The rule addresses issues such as subsurface safety devices, safety device testing, and expands the requirements for operating production systems on the OCS.

Office of Natural Resources Revenue

ONRR will continue to collect, account for, and disburse revenues from Federal offshore energy and mineral leases and from onshore mineral leases on Federal and Indian lands. The program operates nationwide and is primarily responsible for timely and accurate collection, distribution, and accounting for revenues associated with mineral and energy production. ONRR's regulatory plan is as follows:

• Simplify valuation regulations

ONRR plans to simplify the regulations at title 30 of the Code of Federal Regulations (CFR) part 1206 for establishing the value for royalty purposes of (1) oil and natural gas produced from Federal leases; and (2) coal produced from Federal and Indian leases. Additionally, the proposed rules would consolidate sections of the regulations common to all minerals, such as definitions and instructions regarding how a payor should request a valuation determination. ONRR published Advance Notices of Proposed Rulemaking (ANPRMs) to initiate the rulemaking process and to obtain input from interested parties.

• Clarify and simplify issuing notices of noncompliance and civil penalties

This rule would amend ONRR civil penalty regulations to: (1) Codify application of those regulations to solid minerals and geothermal leases as the Omnibus Appropriations Act of 2009 authorizes; (2) adjust Federal Oil and Gas Royalty Management Act civil penalty amounts for inflation as the Federal Civil Penalty Inflation Adjustment Act requires; (3) clarify and simplify the existing regulations for issuing notices of noncompliance and civil penalties under 30 CFR part 1241; and (4) provide notice that ONRR will post its matrices for civil penalty assessments on the ONRR Web site.

• Clarify and simplify distribution and disbursement of qualified revenues from certain leases under the GOMESA

ONRR would amend the regulations on the distribution and disbursement of qualified revenues from certain leases on the Gulf of Mexico's Outer Continental Shelf, under the provisions of the Gulf of Mexico Energy Security Act of 2006. These proposed regulations set forth the formulas and methodologies for calculating and allocating revenues during the second phase of revenue sharing to: The States of Alabama, Louisiana, Mississippi, and Texas; their eligible Coastal Political Subdivisions; the Land and Water Conservation Fund; and the United States Treasury. Additionally, in this proposed rule, the Department of the Interior moves the Gulf of Mexico Energy Security Act of 2006's Phase I regulations from the Bureau of Ocean Energy Management's 30 CFR chapter V to ONRR's 30 CFR chapter XII, and proposes additional clarification and minor definition changes to the current revenue-sharing regulations.

• Clarify and simplify valuation regulations for Indian oil leases

ONRR would ensure that Indian lessors receive maximum revenues from their mineral resources, as required by statute and the Secretary's trust responsibility. The existing rule was published in 1988 with some amendments published in December 2007. Changes in the oil markets have raised concerns regarding the valuation methods for Indian oil. Generally, Indian leases have a provision that place the value of their oil at the highest price paid for a major portion of production of like-quality oil from the same field or area. Proposed changes that followed the 1988 rule were met with disagreement from Tribes and industry.

In 2011, the Secretary convened the Indian Oil Negotiated Rulemaking Committee (Committee), established under the Federal Advisory Committee

Act, to address the major portion provision of the current Indian oil and gas rule. The Committee submitted its recommendations to ONRR in September 2013. Those recommendations form the basis of this proposed rule. By revising the method for valuing oil produced on Indian leases, the proposed rule provides clarity and certainty to all concerned parties while additionally assuring that Tribes and allottees receive, in a timely fashion, royalties that satisfy the major portion provision contained in most Indian leases.

Office of Surface Mining Reclamation and Enforcement

The Office of Surface Mining Reclamation and Enforcement (OSM) was created by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Under SMCRA, OSM has two principal functions—the regulation of surface coal mining and reclamation operations and the reclamation and restoration of abandoned coal mine lands. In enacting SMCRA, Congress directed OSM to ''strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy.'' In response to its statutory mandate, OSM has sought to develop and maintain a stable regulatory program that is safe, cost-effective, and environmentally sound. A stable regulatory program ensures that the coal mining industry has clear guidelines for operation and reclamation, and that citizens know how the program is being implemented.

OSM's Federal regulatory program sets minimum requirements for obtaining a permit for surface and underground coal mining operations, sets performance standards for those operations, requires reclamation of lands and waters disturbed by mining, and requires enforcement to ensure that the standards are met. OSM is the primary regulatory authority for SMCRA enforcement until a State or Indian tribe develops its own regulatory program, which is no less effective than the Federal program. When a State or Indian tribe achieves ''primacy,'' it assumes direct responsibility for permitting, inspection, and enforcement activities under its federally approved regulatory program. The regulatory standards in Federal program states and in primacy states are essentially the same with only minor, non-substantive differences. Today, 24 States have primacy, including 23 of the 24 coal producing States. OSM's regulatory priorities for the coming year will focus on:

- Stream Protection.

Protect streams and related environmental resources from the adverse effects of surface coal mining operations. OSM plans to revise its regulations to improve the balance between environmental protection and the Nation's need for coal by better protecting streams from the adverse impacts of surface coal mining operations.

- Coal Combustion Residues.

Establish Federal standards for the beneficial use of coal combustion residues on active and abandoned coal mines.

U.S. Fish and Wildlife Service

The mission of the U.S. Fish and Wildlife Service (FWS) is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. FWS also provides opportunities for Americans to enjoy the outdoors and our shared natural heritage.

FWS fulfills its responsibilities through a diverse array of programs that:

- Protect and recover endangered and threatened species;
- Monitor and manage migratory birds;
- Restore native aquatic populations and nationally significant fisheries;
- Enforce Federal wildlife laws and regulate international trade;
- Conserve and restore wildlife habitat such as wetlands;
- Help foreign governments conserve wildlife through international conservation efforts;
- Distribute Federal funds to States, territories, and tribes for fish and wildlife conservation projects; and
- Manage the more than 150-million-acre National Wildlife Refuge System, which protects and conserves fish and wildlife and their habitats and allows the public to engage in outdoor recreational activities.

During the next year, FWS regulatory priorities will include:

Regulations under the Endangered Species Act (ESA):

We will issue multiple rules to add species to, remove species from, and reclassify species on the Lists of Endangered and Threatened Wildlife and Plants and to designate critical habitat for certain listed species, and rules to transform the processes for listing species and designating critical habitat. We will improve the listing process by issuing rules to more clearly describe areas where listed species are protected and revise the process for submitting petitions to list, delist, or reclassify species. We will further the protection of native species and their ecosystems through a policy that will provide incentives for voluntary conservation actions taken for species prior to their listing under the ESA. We will issue rules to improve the process of critical habitat designation, including clarifying definitions of ''critical habitat'' and ''destruction or adverse modification'' of critical habitat, and a policy to explain how we consider various factors in determining exclusions to critical habitat under section 4(b)(2) of the ESA.

Regulations under the Migratory Bird Treaty Act (MBTA):

In carrying out our responsibility to manage migratory bird populations, we issue annual migratory bird hunting regulations, which establish the frameworks (outside limits) for States to establish season lengths, bag limits, and areas for migratory game bird hunting. To ensure proper administration of the MBTA, we will revise our regulations to prevent the wanton waste of migratory game birds to clarify that the hunting public must make reasonable efforts to retrieve birds that have been killed or injured. We will also revise our regulations regarding permits for certain take of eagles and eagle nests and propose regulations for the use of raptors other than eagles for abatement (the use of trained raptors to mitigate depredation problems caused by birds or other wildlife).

Regulations to administer the National Wildlife Refuge System (NWRS):

In carrying out our statutory responsibility to provide wildlife-dependent recreational opportunities on NWRS lands, we issue an annual rule to update the hunting and fishing regulations on specific refuges. To ensure protection of NWRS resources, we will issue a proposed rule to ensure that businesses conducting oil or gas operations on NWRS lands do so in a manner that prevents or minimizes damage to the lands, visitor values, and management objectives. We will also issue a policy for managing cultural resources (archaeological resources, historic and architectural properties, and areas or sites of traditional or religious significance to Native Americans) on NWRS lands.

Regulations to carry out the Wildlife and Sport Fish Restoration (WSFR) Act:

To strengthen our partnership with State conservation organizations, we are working on several rules to update and clarify our WSFR regulations. States rely on FWS to distribute finances, and the FWS relies on the States to implement

eligible conservation projects. We will expand on existing regulations that prescribe processes that applicants and grantees must follow when applying for and managing grants from FWS. Among other rules, we will also revise our regulations under the Clean Vessel Act and Boating Infrastructure Grant programs to improve management and execution of those programs.

In accordance with section 3(a) of Executive Order 13609 (''Promoting International Regulatory Cooperation''), we will issue the following rulemaking actions:

Regulations to carry out the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES):

We will update our CITES regulations to incorporate provisions resulting from the 16th Conference of the Parties to CITES. The revisions will help us more effectively promote species conservation and help U.S. importers and exporters of wildlife products understand how to conduct lawful international trade. We will also rewrite a substantial portion of our regulations for the importation, exportation, and transportation of wildlife by proposing changes to the port structure and inspection fees and making the regulations easier to understand.

To help protect African elephants, we will revise our regulations regarding ivory from African elephants to prohibit interstate commerce and export, except for antique specimens and certain other items. Import of sport-hunted trophies would still be allowed, but the number of trophies that could be imported by a hunter in a given year would be limited.

Finally, to protect native species and prevent the spread of injurious species, we will propose regulations to improve our process for making injurious wildlife determinations for foreign species under the Lacey Act to prevent the interstate transportation and commerce of injurious wildlife.

National Park Service

The NPS preserves unimpaired the natural and cultural resources and values within more than 400 units of the National Park System encompassing nearly 84 million acres of lands and waters for the enjoyment, education, and inspiration of this and future generations. NPS also cooperates with partners to extend the benefits of natural and resource conservation and outdoor recreation throughout the United States and the world.

To achieve this mission NPS adheres to the following guiding principles:

- *Excellent Service:* Providing the best possible service to park visitors and partners.
- *Productive Partnerships:* Collaborating with Federal, State, tribal, and local governments, private organizations, and businesses to work toward common goals.
- *Citizen Involvement:* Providing opportunities for citizens to participate in the decisions and actions of the National Park Service.
- *Heritage Education:* Educating park visitors and the general public about their history and common heritage.
- *Outstanding Employees:* Empowering a diverse workforce committed to excellence, integrity, and quality work.
- *Employee Development:* Providing developmental opportunities and training so employees have the ''tools to do the job'' safely and efficiently.
- *Wise Decisions:* Integrating social, economic, environmental, and ethical considerations into the decision-making process.
- *Effective Management:* Instilling a performance management philosophy that fosters creativity, focuses on results, and requires accountability at all levels.
- *Research and Technology:* Incorporating research findings and new technologies to improve work practices, products, and services.

NPS regulatory priorities for the coming year include:

- Managing Off-Road Vehicle Use

Rules for Fire Island National Seashore, Lake Meredith National Recreation Area, Glen Canyon National Recreation Area, and Cape Lookout National Seashore would allow for management of off-road vehicle (ORV) use, to protect and preserve natural and cultural resources, and provide a variety of visitor use experiences while minimizing conflicts among user groups. Further, the rules would designate ORV routes and establish operational requirements and restrictions.

- Managing Bicycling

New rules would authorize and manage bicycling at Cuyahoga Valley National Park, and Bryce Canyon National Park.

- Implementing the Native American Graves Protection and Repatriation Act

(1) A new rule would establish a process for disposition of Unclaimed Human Remains and Funerary Objects discovered after November 16, 1990, on Federal or Indian Lands.

(2) A rule revising the existing regulations would describe the NAGPRA process in plain language, eliminate ambiguity, clarify terms, and include Native Hawaiians in the process. The rule would eliminate unnecessary requirements for museums and would not add processes or collect additional information.

- Regulating non-Federal oil and gas activity on NPS land

The rule would account for new technology and industry practices, eliminate regulatory exemptions, update new legal requirements, remove caps on bond amounts, and allow the NPS to recover compliance costs associated with administering the regulations.

- Authorizing and managing service animals

The rule will define and differentiate service animals from pets, and will describe the circumstances under which service animals would be allowed in a park area. The rule will ensure NPS compliance with Section 504 of the Rehabilitation Act of 1973 (28 U.S.C. 794) and better align NPS regulations with the Americans with Disabilities Act of 1990 (42 U.S.C. 1211 *et seq.*) and the Department of Justice Service Animal regulations of 2011 (28 CFR 36.104).

- Preserving and managing paleontological resources

This rule would implement provisions of the Paleontological Resources Protection Act. The rule would preserve, manage, and protect paleontological resources on Federal lands and ensure that these resources are available for current and future generations to enjoy as part of America's national heritage. The rule would address management, collection, and curation of paleontological resources from Federal lands using scientific principles and expertise. Provisions of the rule will ensure that resources are collected in accordance with permits and curated in an approved repository. The rule would also protect confidential locality data, and authorize penalties for illegally collecting, damaging, altering, defacing, or selling paleontological resources.

- Collecting plants for traditional cultural practices

The rule would propose authorizing Park Superintendents to enter into agreements with federally recognized tribes to permit tribal members to collect limited quantities of plant resources in parks to be used for traditional cultural practices and activities.

Bureau of Reclamation

The Bureau of Reclamation's mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. To accomplish this

mission, we employ management, engineering, and science to achieve effective and environmentally sensitive solutions.

Reclamation projects provide: Irrigation water service, municipal and industrial water supply, hydroelectric power generation, water quality improvement, groundwater management, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, system optimization, and related uses. We have continued to focus on increased security at our facilities.

Our regulatory program focus in fiscal year 2015 is to publish a proposed minor amendment to 43 CFR part 429 to bring it into compliance with the requirements of the recently published final rule, 43 CFR part 5, Commercial Filming and Similar Projects and Still Photography on Certain Areas under Department Jurisdiction. Publishing this rule will implement the provisions of Public Law 106–206, which directs the establishment of permits and reasonable fees for commercial filming and certain still photography activities on public lands.

BILLING CODE 4310–10–P

DEPARTMENT OF JUSTICE (DOJ)—FALL 2014

Statement of Regulatory Priorities

The mission of the Department of Justice is to enforce the law and defend the interests of the United States according to the law, to ensure public safety against foreign and domestic threats, to provide Federal leadership in preventing and controlling crime, to seek just punishment for those guilty of unlawful behavior, and to ensure the fair and impartial administration of justice for all Americans. In carrying out its mission, the Department is guided by four core values: (1) Equal justice under the law; (2) honesty and integrity; (3) commitment to excellence; and (4) respect for the worth and dignity of each human being. The Department of Justice is primarily a law enforcement agency, not a regulatory agency; it carries out its principal investigative, prosecutorial, and other enforcement activities through means other than the regulatory process.

The regulatory priorities of the Department include initiatives in the areas of civil rights, criminal law enforcement and immigration. These initiatives are summarized below. In addition, several other components of the Department carry out important responsibilities through the regulatory process. Although their regulatory efforts are not separately discussed in this overview of the regulatory priorities, those components have key roles in implementing the Department's anti-terrorism and law enforcement priorities.

Civil Rights Division

The Department is including five disability nondiscrimination rulemaking initiatives in its Regulatory Plan: (1) Implementation of the ADA Amendments Act of 2008 in the ADA regulations (titles II and III); (2) Implementation of the ADA Amendments Act of 2008 in the Department's section 504 regulations; (3) Nondiscrimination on the Basis of Disability by Public Accommodations: Movie Captioning and Audio Description; (4) Accessibility of Web Information and Services of State and Local Governments; and (5) Accessibility of Web Information and Services of Public Accommodations.

The Department's other disability nondiscrimination rulemaking initiatives, while important priorities for the Department's rulemaking agenda, will be included in the Department's long-term actions for fiscal year 2016. As will be discussed more fully below, these initiatives include: (1) Accessibility of Medical Equipment and Furniture; (2) Accessibility of Beds in Guestrooms with Mobility Features in Places of Lodging; (3) Next Generation 9–1–1 Services; and (4) Accessibility of Equipment and Furniture. The Department will also be revising its regulations for Coordination of Enforcement of Non-Discrimination in Federally Assisted Programs, as well as revising regulations implementing section 274B of the Immigration and Nationality Act.

ADA Amendments Act. In September 2008, Congress passed the ADA Amendments Act, which revises the definition of ''disability'' to more broadly encompass impairments that substantially limit a major life activity. On January 30, 2014, the Department published a Notice of Proposed Rulemaking (NPRM) proposing amendments to both its title II and title III ADA regulations in order to incorporate the statutory changes set forth in the ADA Amendments Act. The comment period closed on March 31, 2014. The Department expects to publish a final rule incorporating these changes into the ADA implementing regulations in the second quarter of fiscal year 2015. The Department also plans to propose amendments to its section 504 regulations to implement the ADA Amendments Act of 2008 in the third quarter of fiscal year 2015.

Captioning and Audio Description in Movie Theaters. Title III of the ADA requires public accommodations to take ''such steps as may be necessary to ensure that no individual with a disability is treated differently because of the absence of auxiliary aids and services, unless the covered entity can demonstrate that taking such steps would cause a fundamental alteration or would result in an undue burden.'' 42 U.S.C. 12182(b)(2)(A)(iii). Both open and closed captioning and audio recordings are examples of auxiliary aids and services that should be provided by places of public accommodations, 28 CFR 36.303(b)(1)–(2). The Department stated in the preamble to its 1991 rule that ''[m]ovie theaters are not required . . . to present open-captioned films,'' 28 CFR part 36, app. C (2011), but it did not address closed captioning and audio description in movie theaters. In the movie theater context, ''closed captioning'' refers to captions that only the patron requesting the closed captions can see because the captions are delivered to the patron at or near the patron's seat. Audio description is a technology that enables individuals who are blind or have low vision to enjoy movies by providing a spoken narration of key visual elements of a visually delivered medium, such as actions, settings, facial expressions, costumes, and scene changes.

Since 1991, there have been many technological advances in the area of closed captioning and audio description for first-run movies. In June 2008, the Department issued an NPRM to revise the ADA title III regulation, 73 FR 34466, in which the Department stated that it was considering options for requiring that movie theater owners or operators exhibit movies that are captioned or that provide video (narrative) description. The Department issued an ANPRM on July 26, 2010, to obtain more information regarding issues raised by commenters; to seek comment on technical questions that arose from the Department's research; and to learn more about the status of digital conversion. In addition, the Department sought information regarding whether other technologies or areas of interest (*e.g.,* 3D) have developed or are in the process of development that would either replace or augment digital cinema or make any regulatory requirements for captioning and audio description more difficult or expensive to implement. The Department received approximately 1171 public comments in response to its movie captioning and video description

ANPRM. On August 1, 2014, the Department published its NPRM proposing to revise the ADA title III regulation to require movie theaters to have the capability to exhibit movies with closed movie captioning and audio description (which was described in the ANPRM as video description) for all showings of movies that are available with closed movie captioning or audio description, to require theaters to provide notice to the public about the availability of these services, and to ensure that theaters have staff available who can provide information to patrons about the use of these services. In response to a request for an extension of the public comment period, the Department has issued a notice extending the comment period for 60 days until December 1, 2014.

Web site Accessibility. The Internet as it is known today did not exist when Congress enacted the ADA, yet today the World Wide Web plays a critical role in the daily personal, professional, civic, and business life of Americans. The ADA's expansive nondiscrimination mandate reaches goods and services provided by public accommodations and public entities using Internet Web sites. Being unable to access Web sites puts individuals at a great disadvantage in today's society, which is driven by a dynamic electronic marketplace and unprecedented access to information. On the economic front, electronic commerce, or ''e-commerce,'' often offers consumers a wider selection and lower prices than traditional, ''brick-and-mortar'' storefronts, with the added convenience of not having to leave one's home to obtain goods and services. For individuals with disabilities who experience barriers to their ability to travel or to leave their homes, the Internet may be their only way to access certain goods and services. Beyond goods and services, information available on the Internet has become a gateway to education, socializing, and entertainment.

The Internet is also dramatically changing the way that governmental entities serve the public. Public entities are increasingly providing their constituents access to government services and programs through their Web sites. Through Government Web sites, the public can obtain information or correspond with local officials without having to wait in line or be placed on hold. They can also pay fines, apply for benefits, renew State-issued identification, register to vote, file taxes, request copies of vital records, and complete numerous other everyday tasks. The availability of these services and information online not only makes life easier for the public but also often enables governmental entities to operate more efficiently and at a lower cost.

The ADA's promise to provide an equal opportunity for individuals with disabilities to participate in and benefit from all aspects of American civic and economic life will be achieved in today's technologically advanced society only if it is clear to State and local governments, businesses, educators, and other public accommodations that their Web sites must be accessible. Consequently, the Department is considering amending its regulations implementing title II and title III of the ADA to require public entities and public accommodations that provide products or services to the public through Internet Web sites to make their sites accessible to and usable by individuals with disabilities.

In particular, the Department's ANPRM on Web site accessibility sought public comment regarding what standards, if any, it should adopt for Web site accessibility, whether the Department should adopt coverage limitations for certain entities, like small businesses, and what resources and services are available to make existing Web sites accessible to individuals with disabilities. The Department also solicited comments on the costs of making Web sites accessible and on the existence of any other effective and reasonably feasible alternatives to making Web sites accessible. The Department received approximately 440 public comments and is in the process of reviewing these comments. The Department will be publishing separate NPRMs addressing Web site accessibility pursuant to titles II and III of the ADA. On July 9, 2014, the Department submitted its title II Web site Accessibility NPRM to OMB for E.O. 12866 review with a goal of publishing the NPRM before the end of the 2014 calendar year. The Department plans to follow with the publication of the title III NPRM in the third quarter of fiscal year 2015.

The final rulemaking initiatives from the 2010 ANPRMs are included in the Department's long-term priorities projected for fiscal year 2016:

Next Generation 9–1–1. This ANPRM sought information on possible revisions to the Department's regulation to ensure direct access to Next Generation 9–1–1 (NG 9–1–1) services for individuals with disabilities. In 1991, the Department of Justice published a regulation to implement title II of the Americans with Disabilities Act of 1990 (ADA). That regulation requires public safety answering points (PSAPs) to provide direct access to persons with disabilities who use analog telecommunication devices for the deaf (TTYs), 28 CFR 35.162. Since that rule was published, there have been major changes in the types of communications technology used by the general public and by people who have disabilities that affect their hearing or speech. Many individuals with disabilities now use the Internet and wireless text devices as their primary modes of telecommunications. At the same time, PSAPs are planning to shift from analog telecommunications technology to new Internet-Protocol (IP)-enabled NG 9–1–1 services that will provide voice and data (such as text, pictures, and video) capabilities. As PSAPs transition from the analog systems to the new technologies, it is essential that people with communication disabilities be able to use the new systems. Therefore, the Department published this ANPRM to begin to develop appropriate regulatory guidance for PSAPs that are making this transition. The Department is in the process of completing its review of the approximately 146 public comments it received in response to its NG 9–1–1 ANPRM and expects to publish an NPRM addressing accessibility of NG 9–1–1 in the first quarter of fiscal year 2016.

Equipment and Furniture. Both title II and title III of the ADA require covered entities to make reasonable modifications in their programs or services to facilitate participation by persons with disabilities. In addition, covered entities are required to ensure that people are not excluded from participation because facilities are inaccessible or because the entity has failed to provide auxiliary aids. The use of accessible equipment and furniture is often critical to an entity's ability to provide a person with a disability equal access to its services. Changes in technology have resulted in the development and improved availability of accessible equipment and furniture that benefit individuals with disabilities. The 2010 ADA Standards include accessibility requirements for some types of fixed equipment (*e.g.,* ATMs, washing machines, dryers, tables, benches and vending machines) and the Department plans to look to these standards for guidance, where applicable, when it proposes accessibility standards for equipment and furniture that is not fixed. The ANPRM sought information about other categories of equipment, including beds in accessible guest rooms, and medical equipment and furniture. The Department received approximately 420

comments in response to its ANPRM and is in the process of reviewing these comments. The Department plans to publish in early fiscal year 2016 a separate NPRM pursuant to title III of the ADA on beds in accessible guest rooms and a more detailed ANPRM pursuant to titles II and III of the ADA that focuses solely on accessible medical equipment and furniture. The remaining items of equipment and furniture addressed in the 2010 ANPRM will be the subject of an NPRM that the Department anticipates publishing in mid-fiscal year 2016.

Coordination of Enforcement of Non-Discrimination in Federally Assisted Programs. In addition, the Department is planning to revise the co-ordination regulations implementing title VI of the Civil Rights Act, which have not been updated in over 30 years. Among other things, the updates will revise outdated provisions, streamline procedural steps, streamline and clarify provisions regarding information and data collection, promote opportunities to encourage public engagement, and incorporate current law regarding meaningful access for individuals who are limited English proficient.

Implementation of Section 247B of the Immigration and Nationality Act. The Department also proposes to revise regulations implementing section 274B of the Immigration and Nationality Act. The proposed revisions are appropriate to conform the regulations to the statutory text as amended, simplify and add definitions of statutory terms, update and clarify the procedures for filing and processing charges of discrimination, ensure effective investigations of unfair immigration-related employment practices, and update outdated references. The regulations will also be revised to reflect the new name of the office within the Department charged with enforcing this statute.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

ATF issues regulations to enforce the Federal laws relating to the manufacture and commerce of firearms and explosives. ATF's mission and regulations are designed to, among other objectives, curb illegal traffic in, and criminal use of, firearms and explosives, and to assist State, local, and other Federal law enforcement agencies in reducing crime and violence. The Department is including one rulemaking initiative from ATF in its Regulatory Plan. The Department is planning to finalize a proposed rule to amend ATF's regulations regarding the making or transferring of a firearm under the National Firearms Act. As proposed, this rule would (1) add a definition for the term ''responsible person''; (2) require each responsible person of a corporation, trust or legal entity to complete a specified form, and to submit photographs and fingerprints; and (3) modify the requirements regarding the certificate of the chief law enforcement officer.

ATF will continue, as a priority during fiscal year 2014, to seek modifications to its regulations governing commerce in firearms and explosives. ATF plans to issue regulations to finalize the current interim rules implementing the provisions of the Safe Explosives Act, title XI, subtitle C, of Public Law 107–296, the Homeland Security Act of 2002 (enacted Nov. 25, 2002). ATF also has begun a rulemaking process that will lead to promulgation of a revised set of regulations (27 CFR part 771) governing the procedure and practice for proposed denial of applications for explosives licenses or permits and proposed revocation of such licenses and permits. In addition, ATF also has several other rulemaking initiatives as part of the Department's rulemaking agenda.

Pursuant to Executive Order 13563 ''Improving Regulation and Regulatory Review,'' ATF has published a final rule to amend existing regulations and extend the term of import permits for firearms, ammunition, and defense articles from 1 year to 2 years. The additional time will allow importers sufficient time to complete the importation of an authorized commodity before the permit expires and eliminate the need for importers to submit new and duplicative import applications. ATF believes that extending the term of import permits will result in substantial cost and time savings for both ATF and industry.

Drug Enforcement Administration (DEA)

DEA is the primary agency responsible for coordinating the drug law enforcement activities of the United States and also assists in the implementation of the President's National Drug Control Strategy. DEA implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the Controlled Substances Import and Export Act (21 U.S.C. 801–971), as amended, and collectively referred to as the Controlled Substances Act (CSA). DEA's mission is to enforce the CSA and its regulations and bring to the criminal and civil justice system those organizations and individuals involved in the growing, manufacture, or distribution of controlled substances and listed chemicals appearing in or destined for illicit traffic in the United States. DEA promulgates the CSA implementing regulations in title 21 of the Code of Federal Regulations (CFR), parts 1300 to 1321. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States.

Pursuant to its statutory authority, DEA continuously evaluates new and emerging substances to determine whether such substances should be controlled under the CSA. During fiscal year 2015, in addition to initiating temporary scheduling actions to prevent imminent hazard to the public safety, DEA will also consider petitions to control or reschedule various substances. Among other regulatory reviews and initiatives, the DEA will initiate the notice of proposed rulemaking titled, ''Transporting Controlled Substances Away from Principal Places of Business or Principal Places of Professional Practice on an As Needed and Random Basis.'' In this rule, the DEA proposes to amend its regulations governing the registration, security, reporting, recordkeeping, and ordering requirements in circumstances where practitioners transport controlled substances for dispensing to patients on an as needed and random basis. Lastly, the DEA will finalize its Interim Final Rule for Electronic Prescriptions for Controlled Substances. By this final rule, the DEA would finalize its regulations to clarify: (1) the criteria by which DEA-registered practitioners may electronically issue controlled substance prescriptions; and (2) the criteria by which DEA-registered pharmacies may receive and archive these electronic prescriptions.

Bureau of Prisons

The Federal Bureau of Prisons issues regulations to enforce the Federal laws relating to its mission: to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. During the next 12 months, in addition to other regulatory objectives aimed at accomplishing its mission, the Bureau will continue its ongoing efforts to: streamline regulations, eliminating unnecessary language and improving readability; improve disciplinary

procedures through a revision of the subpart relating to the disciplinary process; reduce the introduction of contraband through various means, such as clarifying drug and alcohol surveillance testing programs; protect the public from continuing criminal activity committed within prison; and enhance the Bureau's ability to more closely monitor the communications of high-risk inmates.

Executive Office for Immigration Review (EOIR)

On March 1, 2003, pursuant to the Homeland Security Act of 2002 (HSA), the responsibility for immigration enforcement and border security and for providing immigration-related services and benefits, such as naturalization, immigrant petitions, and work authorization, was transferred from the Justice Department's former Immigration and Naturalization Service (INS) to the Department of Homeland Security (DHS). However, the immigration judges and the Board of Immigration Appeals (Board) in EOIR remain part of the Department of Justice. The immigration judges adjudicate approximately 400,000 cases each year to determine whether aliens should be ordered removed from the United States or should be granted some form of relief from removal. The Board has jurisdiction over appeals from the decisions of immigration judges, as well as other matters. Accordingly, the Attorney General has a continuing role in the conducting of removal hearings, the granting of relief from removal, and custody determinations regarding the detention of aliens pending completion of removal proceedings. The Attorney General also is responsible for civil litigation and criminal prosecutions relating to the immigration laws.

In several pending rulemaking actions, the Department is working to revise and update the regulations relating to removal proceedings in order to improve the efficiency and effectiveness of the hearings, including, but not limited to: a joint regulation with DHS to provide guidance on a number of issues central to the adjudication of applications for asylum and withholding of removal; a joint regulation with DHS to provide, with respect to applicants who are found to have engaged in persecution of others, a limited exception for actions taken by the applicant under duress; a joint regulation with DHS to implement procedures that address the specialized needs of unaccompanied alien children in removal proceedings pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008; a proposed regulation to establish procedures for the filing and adjudication of motions to reopen removal, deportation, and exclusion proceedings based upon a claim of ineffective assistance of counsel; and a proposed regulation to improve the recognition and accreditation process for organizations and representatives that appear in immigration proceedings before EOIR. Finally, in response to Executive Order 13653, the Department is retrospectively reviewing EOIR's regulations to eliminate regulations that unnecessarily duplicate DHS's regulations and update outdated references to the pre-2002 immigration system.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Some of these entries on this list may be completed actions, which do not appear in *The Regulatory Plan.* However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final Justice Department plan can be found at: *http://www.justice.gov/open/doj-rr-final-plan.pdf*

RIN	Title	Description
1140–AA40	Rules of Practice in Explosives License and Permit Proceedings.	ATF has begun a rulemaking process that will lead to promulgation of a revised set of regulations governing the procedure and practice for disapproval of applications for explosives licenses or permits. This new set of regulations, 27 C.F.R. part 771 will replace the regulations previously codified at 27 C.F.R. part 71 (2002), many of which are outmoded and need to be revised.
1125–AA71	Retrospective Regulatory Review Under E.O. 13563 of 8 CFR Parts 1003, 1103, 1211, 1212, 1215, 1216, 1235.	Advance notice of future rulemaking concerning appeals of DHS decisions (8 C.F.R. part 1103), documentary requirements for aliens (8 C.F.R. parts 1211 and 1212), control of aliens departing from the United States (8 C.F.R. part 1215), procedures governing conditional permanent resident status (8 C.F.R. part 1216), and inspection of individuals applying for admission to the United States (8 C.F.R. part 1235). A number of attorneys, firms, and organizations in immigration practice are small entities. EOIR believes this rule will improve the efficiency and fairness of adjudications before EOIR by, for example, eliminating duplication, ensuring consistency with the Department of Homeland Security's regulations in chapter I of title 8 of the CFR, and delineating more clearly the authority and jurisdiction of each agency.
1125–AA78	Separate Representation for Custody and Bond Proceedings.	This rule proposes to amend the Executive Office for Immigration Review (EOIR) regulations relating to the representation of aliens in custody and bond proceedings. Specifically, this rule proposes to allow a representative to enter an appearance in custody and bond proceedings before EOIR without committing to appear on behalf of the alien for all proceedings before the Immigration Court.
1117–NYD	Implementation of the International Trade Data System.	DEA is continuing to consider possible changes to its existing regulations (e.g., 21 CFR 1312.14, 1312.24) to take account of the submission of import and export permits to U.S. Customs and Border Protection in electronic form.

Executive Order 13609—Promoting International Regulatory Cooperation

The Department is not currently engaged in international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

Executive Order 13659

Executive Order 13659, ''Streamlining the Export/Import Process for America's Businesses,'' provided new directives for agencies to improve the technologies, policies, and other controls governing the movement of goods across our national borders. This includes additional steps to implement the International Trade Data System as an electronic information exchange capability, or ''single window,'' through which businesses will transmit data required by participating agencies for the importation or exportation of cargo.

At the Department of Justice, stakeholders must obtain pre-import and pre-export authorizations from the Drug Enforcement Administration (DEA) (relating to controlled substances and listed chemicals), or from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) (relating to firearms, ammunition, and explosives). The ITDS ''single window'' will work in conjunction with these pre-import and pre-export authorizations.

Pursuant to section 6 of E.O. 13659, DEA and ATF have consulted with CBP and are continuing to study whether some modifications or technical changes to their existing regulations are needed to achieve the goals of E.O. 13659.

DOJ—CIVIL RIGHTS DIVISION (CRT)

Proposed Rule Stage

91. Implementation of the ADA Amendments Act of 2008 (Section 504 of the Rehabilitation Act of 1973)

Priority: Other Significant.

Legal Authority: Pub. L. 110–325; 29 U.S.C. 794 (sec 504 of the Rehabilitation Act of 1973, as amended); E.O. 12250 (45 FR 72955; 11/04/1980)

CFR Citation: 28 CFR 39; 28 CFR 41; 28 CFR 42, subpart G.

Legal Deadline: None.

Abstract:

This rule would propose to amend the Department's regulations implementing section 504 of the Rehabilitation Act of 1973, as amended, 28 CFR part 39 and part 42, subpart G, and its regulation implementing Executive Order 12250, 28 CFR part 41, to reflect statutory amendments to the definition of disability applicable to section 504 of the Rehabilitation Act, which were enacted in the ADA Amendments Act of 2008, Public Law 110–325, 122 Stat. 3553 (Sep. 25, 2008). The ADA Amendments Act took effect on January 1, 2009.

The ADA Amendments Act revised 29 U.S.C. 705, to make the definition of disability used in the nondiscrimination provisions in title V of the Rehabilitation Act consistent with the amended ADA requirements. These amendments (1) add illustrative lists of ''major life activities,'' including ''major bodily functions,'' that provide more examples of covered activities and covered conditions than are now contained in agency regulations (sec. 3[2]); (2) clarify that a person who is ''regarded as'' having a disability does not have to be regarded as being substantially limited in a major life activity (sec. 3[3]); and (3) add rules of construction regarding the definition of disability that provide guidance in applying the term ''substantially limits'' and prohibit consideration of mitigating measures in determining whether a person has a disability (sec. 3[4]).

The Department anticipates that these changes will be published for comment in a proposed rule within the next 12 months. During the drafting of these revisions, the Department will also review the currently published rules to ensure that any other legal requirements under the Rehabilitation Act have been properly addressed in these regulations.

Statement of Need: This rule is necessary to bring the Department's prior section 504 regulations into compliance with the ADA Amendments Act of 2008, which became effective on January 1, 2009.

Summary of Legal Basis: The summary of the legal basis of authority for this regulation is set forth above in the abstract.

Alternatives: Because this NPRM implements statutory changes to the section 504 definition of disability, there are no appropriate alternatives to issuing this NPRM.

Anticipated Cost and Benefits: The Department's preliminary assessment in this early stage of the rulemaking process is that this rule will not be ''economically significant,'' that is, that the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal Governments or communities. The Department's section 504 rule will incorporate the same changes made by the ADA Amendments Act to the definition of disability as are included in the proposed changes to the ADA title II and title III rules (1190–AA59), which will be published in the **Federal Register** in the near future. Therefore, we do not believe that the revisions to the Department's existing section 504 federally assisted regulations will have any additional economic impact, because public and private entities that receive federal financial assistance from the Department are also likely to be subject to titles II or III of the ADA. The Department expects to consider further the economic impact of the proposed rule on the Department's existing section 504 federally conducted regulations, but anticipates that the rule will not be economically significant within the meaning of Executive Order 12866. This is because the revisions to these regulations will only apply to the Department's programs and activities and how those programs and activities are operated so as to ensure compliance with the nondiscrimination requirements of section 504. In the NPRM, the Department will be soliciting public comment in response to its initial assessment of the impact of the proposed rule.

Risks: Failure to update the Department's section 504 regulations to conform to statutory changes will interfere with the Department's enforcement efforts and lead to confusion about the law's requirements among entities that receive Federal financial assistance from the Department or who participate in its federally conducted programs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.

Federalism: Undetermined.

Agency Contact: Rebecca B. Bond, Chief, Department of Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, *Phone:* 800 514–0301.

RIN: 1190–AA60

DOJ—CRT

92. Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of Public Accommodations

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 12101, *et seq.*

CFR Citation: 28 CFR 36.

Legal Deadline: None.

Abstract: The Department of Justice is considering proposed revisions to the regulation implementing title III of the Americans with Disabilities Act (ADA) in order to address the obligations of public accommodations to make goods, services, facilities, privileges, accommodations, or advantages they offer via the Internet, specifically at sites on the World Wide Web (Web), accessible to individuals with disabilities. The ADA requires that public accommodations provide individuals with disabilities with full and equal enjoyment of their goods, services, facilities, privileges, advantages, and accommodations. 42. U.S.C. 12182. The Internet as it is known today did not exist when Congress enacted the ADA. Today the Internet, most notably the sites on the Web, plays a critical role in the daily personal, professional, and business life of most Americans. Increasingly, private entities of all types are providing goods and services to the public through Web sites that operate as places of public accommodation under title III of the ADA. Many Web sites of public accommodations, however, render use by individuals with disabilities difficult or impossible due to barriers posed by Web sites designed without accessible features. Being unable to access Web sites puts individuals with disabilities at a great disadvantage in today's society, which is driven by a global marketplace and unprecedented access to information. On the economic front, electronic commerce, or ''e-commerce,'' often offers consumers a wider selection and lower prices than traditional ''brick-and-mortar'' storefronts, with the added convenience of not having to leave one's home to obtain goods and services. Beyond goods and services, information available on the Internet has become a gateway to education. Schools at all levels are increasingly offering programs and classroom instruction through Web sites. Many colleges and universities offer degree programs online; some universities exist exclusively on the Internet. The Internet also is changing the way individuals socialize and seek entertainment. Social networks and other online meeting places provide a unique way for individuals to meet and fraternize. These networks allow individuals to meet others with similar interests and connect with friends, business colleagues, elected officials, and businesses. They also provide an effective networking opportunity for entrepreneurs, artists, and others seeking to put their skills and talents to use. Web sites also bring a myriad of entertainment and information options for Internet users-from games and music to news and videos. The ADA's promise to provide an equal opportunity for individuals with disabilities to participate in and benefit from all aspects of American civic and economic life will be achieved in today's technologically advanced society only if it is clear to businesses, educators, and other public accommodations, that their Web sites must be accessible. Consequently, the Department is proposing to amend its title III regulation to expressly address the obligations of public accommodations to make the Web sites they use to provide their goods and services to the public accessible to and usable by individuals with disabilities under the legal framework established by the ADA. The proposed regulation will propose the scope of the obligation to provide accessibility when persons with disabilities attempt to access Web sites of public accommodations, as well as propose the technical standards necessary to comply with the ADA.

Statement of Need: Many people with disabilities use ''assistive technology'' to enable them to use computers and access the Internet. Individuals who are blind or have low vision who cannot see computer monitors may use screen readers—devices that speak the text that would normally appear on a monitor. People who have difficulty using a computer mouse can use voice recognition software to control their computers with verbal commands. People with other types of disabilities may use still other kinds of assistive technology. New and innovative assistive technologies are being introduced every day. Web sites that do not accommodate assistive technology, for example, can create unnecessary barriers for people with disabilities, just as buildings not designed to accommodate individuals with disabilities can prevent some individuals from entering and accessing services. Web designers may not realize how simple features built into a Web site will assist someone who, for instance, cannot see a computer monitor or use a mouse. In addition, in many cases, these Web sites do not provide captioning for videos or live events streamed over the Web, leaving persons who are deaf or hard of hearing unable to access the information that is being provided. Although the Department has been clear that the ADA applies to Web sites of private entities that meet the definition of ''public accommodations,'' inconsistent court decisions, differing standards for determining Web accessibility, and repeated calls for Department action indicate remaining uncertainty regarding the applicability of the ADA to Web sites of entities covered by title III. For these reasons, the Department plans to propose amendments to its regulation so as to make clear to entities covered by the ADA their obligations to make their Web sites accessible. Despite the need for action, the Department appreciates the need to move forward deliberatively. Any regulations the Department adopts must provide specific guidance to help ensure Web access to individuals with disabilities without hampering innovation and technological advancement on the Web.

Summary of Legal Basis: The ADA requires that public accommodations provide individuals with disabilities with full and equal enjoyment of their goods, services, facilities, privileges, advantages, and accommodations. 42. U.S.C. 12182. Increasingly, private entities of all types are providing goods and services to the public through Web sites that operate as places of public accommodation under title III of the ADA.

Alternatives: The Department intends to consider various alternatives for ensuring full access to Web sites of public accommodations, including alternative implementation schedules and technical requirements applicable to certain Web features or based on a covered entity's size. The Department will solicit public comment addressing its proposed alternatives.

Anticipated Cost and Benefits: The Department anticipates that this rule will be ''economically significant.'' The Department believes that revising its title III rule to clarify the obligations of public accommodations to provide accessible Web sites will significantly increase the opportunities of individuals with disabilities to access the variety of goods and services public accommodations offer on the Web, while increasing the number of customers that access the Web sites to procure the goods and services offered by these public accommodations. In drafting this NPRM, the Department will attempt to minimize the compliance costs to public accommodations, while ensuring the benefits of compliance to

persons with disabilities. At this stage in the process, the Department is not yet able to provide a preliminary estimate of costs and benefits.

Risks: If the Department does not revise its ADA title III regulations to address Web site accessibility, persons with disabilities will continue to be unable to access the many goods and services of public accommodations available on the Web to individuals without disabilities.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/10	75 FR 43460
ANPRM Comment Period End.	01/24/11	
NPRM	06/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: See also RIN 1190–AA65 which was split from this RIN of 1190–AA61.

Agency Contact: Rebecca B. Bond, Chief, Department of Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, *Phone:* 800 514–0301.

RIN: 1190–AA61

DOJ—CRT

93. Nondiscrimination on the Basis of Disability; Movie Captioning and Audio Description

Priority: Other Significant.

Legal Authority: 42 U.S.C. 12101, *et seq.*

CFR Citation: 28 CFR 36.

Legal Deadline: None.

Abstract: Following its advance notice of proposed rulemaking published on July 26, 2010, the Department plans to publish a proposed rule addressing the requirements for captioning and video description of movies exhibited in movie theatres under title III of the Americans with Disabilities Act of 1990 (ADA). Title III prohibits discrimination on the basis of disability in the activities of places of public accommodation (private entities whose operations affect commerce and that fall into one of twelve categories listed in the ADA). 42 U.S.C. 12181–12189. Title III makes it unlawful for places of public accommodation, such as movie theaters, to discriminate against individuals with disabilities in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation (42 U.S.C. 12182[a]). Moreover, title III prohibits places of public accommodation from affording an unequal or lesser service to individuals or classes of individuals with disabilities than is offered to other individuals (42 U.S.C. 12182(b)(1)(A)(ii)). Title III requires places of public accommodation to take ''such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently because of the absence of auxiliary aids and services, such as captioning and video description, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden,'' (42 U.S.C. 12182(b)(2)(A)(iii)).

Statement of Need: A significant-and increasing-proportion of Americans have hearing or vision disabilities that prevent them from fully and effectively understanding movies without captioning or audio description. For persons with hearing and vision disabilities, the unavailability of captioned or audio-described movies inhibits their ability to socialize and fully take part in family outings and deprives them of the opportunity to meaningfully participate in an important aspect of American culture. Many individuals with hearing or vision disabilities who commented on the Department's 2010 ANPRM remarked that they have not been able to enjoy a commercial movie unless they watched it on TV, or that when they took their children to the movies they could not understand what they were seeing or discuss what was happening with their children. Today, more and more movies are produced with captions and audio description. However, despite the underlying ADA obligation, the advancement of digital technology and the availability of captioned and audio-described films, many movie theaters are still not exhibiting captioned or audio-described movies, and when they do exhibit them, they are only for a few showings of a movie, and usually at off-times. Recently, a number of theater companies have committed to provide greater availability of captioning and audio description. In some cases, these have been nationwide commitments; in other cases it has only been in a particular State or locality. A uniform Federal ADA requirement for captioning and audio description is necessary to ensure that access to movies for persons with hearing and vision disabilities is not dictated by the individual's residence or the presence of litigation in their locality. In addition, the movie theater industry is in the process of converting its movie screens to use digital technology, and the Department believes that it will be extremely helpful to provide timely guidance on the ADA requirements for captioning and audio description so that the industry may factor this into its conversion efforts and minimize costs.

Summary of Legal Basis: The summary of the legal basis of authority for this regulation is set forth above in the abstract.

Alternatives: The Department will consider any public comments that propose achievable alternatives that will still accomplish the goal of providing access to movies for persons with hearing and vision disabilities. However, the Department believes that the baseline alternative of not providing such access would be inconsistent with the provisions of title III of the ADA.

Anticipated Cost and Benefits: The Department's preliminary analysis indicates that the proposed rule would not be ''economically significant,'' that is, that the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal governments or communities. In the NPRM, the Department will be soliciting public comment in response to its preliminary analysis regarding the costs imposed by the rule.

Risks: Without the proposed changes to the Department's title III regulation, persons with hearing and vision disabilities will continue to be denied access to movies shown in movie theaters and movie theater owners and operators will not understand what they are required to do in order to provide auxiliary aids and services to patrons with hearing and vision disabilities.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/10	75 FR 43467
ANPRM Comment Period End.	01/24/11	
NPRM	08/01/14	79 FR 44975
NPRM Comment Period Extended.	09/08/14	79 FR 53146
NPRM Comment Period End.	09/30/14	
NPRM Extended Comment Period End.	12/01/14	
Final Action	09/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Rebecca B. Bond, Chief, Department of Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, *Phone:* 800 514–0301.

RIN: 1190–AA63

DOJ—CRT

94. Nondiscrimination on the Basis of Disability: Accessibility of Web

Information and Services of State and Local Governments

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 42 U.S.C. 12101 *et seq.*

CFR Citation: 28 CFR 35.

Legal Deadline: None.

Abstract: The Department published an ANPRM on July 26, 2010, RIN 1190–AA61, that addressed issues relating to proposed revisions of both the title II and title III ADA regulations in order to provide guidance on the obligations of covered entities to make programs, services and activities offered over the Web accessible to individuals with disabilities. The Department has now divided the rulemakings in the next step of the rulemaking process so as to proceed with separate notices of proposed rulemakings for title II and title III. The title III rulemaking on Web accessibility will continue under RIN 1190–AA61 and the title II rulemaking will continue under the new RIN 1190–AA65. This rulemaking will provide specific guidance to State and local governments in order to make services, programs, or activities offered to the public via the Web accessible to individuals with disabilities. The ADA requires that State and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. 42. U.S.C. 12132. The Internet as it is known today did not exist when Congress enacted the ADA; yet today the Internet is dramatically changing the way that governmental entities serve the public. Taking advantage of new technology, citizens can now use State and local government Web sites to correspond online with local officials; obtain information about government services; renew library books or driver's licenses; pay fines; register to vote; obtain tax information and file tax returns; apply for jobs or benefits; and complete numerous other civic tasks. These Government Web sites are important because they allow programs and services to be offered in a more dynamic, interactive way in order to increase citizen participation; increase convenience and speed in obtaining information or services; reduce costs in providing information about Government services and administering programs; reduce the amount of paperwork; and expand the possibilities of reaching new sectors of the community or offering new programs or services. Many States and localities have begun to improve the accessibility of portions of their Web sites. However, full compliance with the ADA's promise to provide an equal opportunity for individuals with disabilities to participate in and benefit from all aspects of the programs, services, and activities provided by State and local governments in today's technologically advanced society will only occur if it is clear to public entities that their Web sites must be accessible. Consequently, the Department intends to publish a Notice of Proposed Rulemaking (NPRM) to amend its title II regulations to expressly address the obligations of public entities to make the Web sites they use to provide programs, activities, or services or information to the public accessible to and usable by individuals with disabilities under the legal framework established by the ADA. The proposed regulation will propose the scope of the obligation to provide accessibility when persons with disabilities access public Web sites, as well as propose the technical standards necessary to comply with the ADA.

Statement of Need: Many people with disabilities use ''assistive technology'' to enable them to use computers and access the Internet. Individuals who are blind or have low vision who cannot see computer monitors may use screen readers—devices that speak the text that would normally appear on a monitor. People who have difficulty using a computer mouse can use voice recognition software to control their computers with verbal commands. People with other types of disabilities may use still other kinds of assistive technology. New and innovative assistive technologies are being introduced every day.

Web sites that do not accommodate assistive technology, for example, can create unnecessary barriers for people with disabilities, just as buildings not designed to accommodate people with disabilities prevent some individuals from entering and accessing services. Web designers may not realize how simple features built into a Web site will assist someone who, for instance, cannot see a computer monitor or use a mouse. In addition, in many cases, these Web sites do not provide captioning for videos or live events streamed over the web, leaving persons who are deaf or hard of hearing unable to access the information that is being provided. Although an increasing number of State and local Governments are making efforts to provide accessible Web sites, because there are no specific ADA standards for Web site accessibility, these Web sites vary in actual usability.

Summary of Legal Basis: The ADA requires that State and local Governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. 42. U.S.C. 12132.

Alternatives: The Department intends to consider various alternatives for ensuring full access to Web sites of State and local Governments and will solicit public comment addressing these alternatives.

Anticipated Cost and Benefits: The Department anticipates that this rule will be ''economically significant,'' that is, that the rule will have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal Governments or communities. However, the Department believes that revising its title II rule to clarify the obligations of State and local Governments to provide accessible Web sites will significantly increase the opportunities for citizens with disabilities to participate in, and benefit from, State and local Government programs, activities, and services. It will also ensure that individuals have access to important information that is provided over the Internet, including emergency information. The Department also believes that providing accessible Web sites will benefit State and local Governments as it will increase the numbers of citizens who can use these Web sites, and thus improve the efficiency of delivery of services to the public. In drafting this NPRM, the Department will attempt to minimize the compliance costs to State and local Governments while ensuring the benefits of compliance to persons with disabilities.

Risks: If the Department does not revise its ADA title II regulations to address Web site accessibility, persons with disabilities in many communities will continue to be unable to access their State and local governmental services in the same manner available to citizens without disabilities, and in some cases will not be able to access those services at all.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/10	75 FR 43460
ANPRM Comment Period End.	01/21/11	
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Local, State.

Federalism: Undetermined.

Additional Information: Split from RIN 1190–AA61.

Agency Contact: Rebecca B. Bond, Chief, Department of Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, *Phone:* 800 514–0301.

RIN: 1190–AA65

DOJ—CRT

Final Rule Stage

95. Implementation of the ADA Amendments Act of 2008 (Title II and Title III of The ADA)

Priority: Other Significant.

Legal Authority: Pub. L. 110–325; 42 U.S.C. 12134(a); 42 U.S.C. 12186(b)

CFR Citation: 28 CFR 35; 28 CFR 36.

Legal Deadline: None.

Abstract: This rule would propose to amend the Department's regulations implementing title II and title III of the Americans with Disabilities Act (ADA), 28 CFR part 35 and 28 CFR part 36, to implement changes to the ADA enacted in the ADA Amendments Act of 2008, Public Law 110–325, 122 Stat. 3553 (Sept. 25, 2008). The ADA Amendments Act took effect on January 1, 2009.

The ADA Amendments Act amended the Americans with Disabilities Act, 42 U.S.C. 12101, *et seq.,* to clarify terms within the definition of disability and to establish standards that must be applied to determine if a person has a covered disability. These changes are intended to mitigate the effects of the Supreme Court's decisions in Sutton v. United Airlines, 527 U.S. 471 (1999), and Toyota Motor Manufacturing v. Williams, 534, U.S. 184 (2002). Specifically, the ADA Amendments Act (1) adds illustrative lists of ''major life activities,'' including ''major bodily functions,'' that provide more examples of covered activities and covered conditions than are now contained in agency regulations (sec. 3[2]); (2) clarifies that a person who is ''regarded as'' having a disability does not have to be regarded as being substantially limited in a major life activity (sec. 3[3]); and (3) adds rules of construction regarding the definition of disability that provide guidance in applying the term ''substantially limits'' and prohibit consideration of mitigating measures in determining whether a person has a disability (sec. 3[4]).

Statement of Need: This rule is necessary to bring the Department's ADA regulations into compliance with the ADA Amendments Act of 2008, which became effective on January 1, 2009. In addition, this rule is necessary to make the Department's ADA title II and title III regulations consistent with the ADA title I regulations issued on March 25, 2011 by the Equal Employment Opportunity Commission (EEOC) incorporating the ADA Amendments Act definition of disability.

Summary of Legal Basis: The summary of the legal basis of authority for this regulation is set forth above in the abstract.

Alternatives: In order to ensure consistency in application of the ADA Amendments Act across titles I, II and III of the ADA, this rule is intended to be consistent with the language of the EEOC's rule implementing the ADA Amendments Act with respect to title I of the ADA (employment). The Department will, however, consider alternative regulatory language suggested by commenters so long as it maintains that consistency.

Anticipated Cost and Benefits:

The Department's preliminary analysis indicates that the proposed rule would not be ''economically significant,'' that is, the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal governments or communities. According to the Department's preliminary analysis, it is anticipated that the rule will cost between $36.32 million and $61.8 million in the first year (the year with the highest costs). The Department estimates that in the first year of the implementation of the proposed rule, approximately 142,000 students will take advantage of additional testing accommodations than otherwise would have been able to without the changes made to the definition of disability to conform to the ADA Amendments Act. The Department believes that this will result in benefits for many of these individuals in the form of significantly higher earnings potential. The Department expects that the rule will also have significant non-quantifiable benefits to persons with newly covered disabilities in other contexts, such as benefits of non-exclusion from the programs, services and activities of State and local governments and public accommodations, and the benefits of access to reasonable modifications of policies, practices and procedures to meet their needs in a variety of contexts. In this NPRM, the Department will be soliciting public comment in response to its preliminary analysis.

Risks: The ADA authorizes the Attorney General to enforce the ADA and to promulgate regulations implementing the law's requirements. Failure to update the Department's regulations to conform to statutory changes and to be consistent with the EEOC regulations under title I of the ADA will interfere with the Department's enforcement efforts and lead to confusion about the law's requirements among entities covered by titles I, II and III of the ADA, as well as members of the public.

Timetable:

Action	Date	FR Cite
NPRM	01/30/14	79 FR 4839
NPRM Comment Period End.	03/31/14	
Final Action	03/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.

Agency Contact: Rebecca B. Bond, Chief, Department of Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, *Phone:* 800 514–0301.

RIN: 1190–AA59

BILLING CODE 4410–BP–P

U.S. DEPARTMENT OF LABOR

Fall 2014 Statement of Regulatory Priorities

Introduction

For over 100 years, the U.S. Department of Labor has been central to safeguarding and expanding the American Dream for America's working families. The Department's Fall 2014 Regulatory Agenda is driven by a commitment to the basic bargain of America—if you work hard and play by the rules and take responsibility for yourself and your family, you can succeed in and climb the rungs of the middle class. There are many components to Secretary Thomas E. Perez's opportunity agenda that are reflected in the Department's regulatory agenda:

- training more people, including veterans and people with disabilities, to have the skills they need for the in-demand jobs of the 21st century;
- ensuring that people have the peace of mind that comes with access to health care, retirement, and Federal workers' compensation benefits when they need them;
- safeguarding a fair day's pay for a fair day's work for all hardworking Americans, regardless of race, gender, religion, sexual orientation, or gender identity;
- giving workers a voice in their workplaces; and
- protecting the safety and health of workers so they do not have to risk their lives for a paycheck.

The values embodied in the Department's regulatory agenda are America's values. In developing the Department's regulatory agenda, with a focus on strengthening our economy, the Department has sought input and expertise from a broad cross section of American society, including business leaders, workers, labor organizations, academics and state and local officials. Expanding opportunity benefits all of us. When the middle class is strong, our nation is strong.

The Fall 2014 Regulatory Agenda reflects the Department's commitment to rebuilding this strength through expanding opportunity.

The Department's Regulatory Priorities

The Department of Labor 2014 Regulatory Plan highlights the most noteworthy and significant regulatory projects that will be undertaken by its regulatory agencies: the Employee Benefits Security Administration (EBSA), Employment and Training Administration (ETA), Mine Safety and Health Administration (MSHA), Office of Federal Contract Compliance Programs (OFCCP), Occupational Safety and Health Administration (OSHA), Office of Labor-Management Standards (OLMS), Office of Workers' Compensation Programs (OWCP), Veterans' Employment Service (VETS), and Wage and Hour Division (WHD). The initiatives and priorities listed in the regulatory plan exemplify the five components of the Secretary's opportunity agenda.

Training More People for Twenty-First Century Jobs

The Department's regulatory priorities reflect the Secretary's vision for a demand-driven workforce investment system that serves the needs of businesses and workers alike. For example:

- ETA seeks to develop and issue a Notice of Proposed Rulemaking (NPRM) that implements the important changes made to the public workforce system by the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128), which was signed by the President on July 22, 2014, replacing the Workforce Investment Act of 1998 (WIA). This NPRM will help the Department implement WIOA, empowering the public workforce system and its partners to increase employment, retention, and earnings of participants, meet the skill requirements of employers, and enhance the productivity and competitiveness of the nation.[1]
- ETA also proposes to update the National Apprenticeship Act of 1937's equal opportunity regulations, which prohibit discrimination in registered apprenticeship on the basis of race, color, religion, national origin, and sex, and which require that program sponsors take affirmative action to provide equal opportunity. Most notably, the proposed rule would update equal opportunity standards to include age (40 and older) and disability among the list of protected bases. It would also strengthen the affirmative action provisions by detailing mandatory actions that sponsors must take, and by requiring affirmative action for individuals with disabilities.[2]

Ensuring Access to Health Care, Retirement, and Workers' Compensation Benefits

The Department is pursuing a regulatory program that is designed to safeguard the retirement security of participants and beneficiaries by protecting their rights and benefits under pension plans and by encouraging, fostering, and promoting openness, transparency, and communication with respect to the management and operations of such plans. Examples include:

- EBSA's rulemaking to help assure workers' retirement security by reducing harmful conflicts of interest in the retirement savings marketplace so that the millions of plan sponsors, workers, and retirees get the impartial advice they have a right to expect when they rely on an adviser to help them invest their retirement savings. The regulation would clarify the circumstances under which a person will be considered a ''fiduciary'' when providing investment advice related to retirement plans, individual retirement accounts, and other employee benefit plans, and to participants, beneficiaries, and owners of such plans and accounts.[3]
- EBSA continues to pursue initiatives to encourage the offering of lifetime annuities or similar lifetime benefit distribution options for participants and beneficiaries of defined contribution plans. EBSA is developing a proposal relating to the presentation of a participant's accrued benefits (account balance) as a lifetime income stream of payments.[4] EBSA is also developing proposed amendments to a safe harbor regulation that will provide plan fiduciaries with more certainty that they have discharged their obligations under section 404(a)(1)(B) of ERISA in selecting an annuity plan provider and contract for benefit distributions from an individual account retirement plan.[5]

EBSA's regulatory program also includes initiatives involving Annual Funding Notices[6] and Standards for Brokerage Windows.[7]

In addition, EBSA will continue to issue guidance implementing the health reform provisions of the Affordable Care Act to help provide better quality health care for America's workers and their families. EBSA's regulations reduce discrimination in health coverage, promote better access to quality coverage, and protect the ability of individuals and businesses to keep their current health coverage. Many regulations are joint rulemakings with the Departments of Health and Human Services and the Treasury.

[1] Workforce Innovation and Opportunity Act (RIN: 1205–AB73).

[2] Equal Employment Opportunity in Apprenticeship Amendment of Regulations (RIN: 1205–AB59).

[3] Conflict of Interest Rule: Investment Advice (RIN: 1210–AB32).

[4] Pension Benefit Statement (RIN 1210–AB20).

[5] Selection of Annuity Providers—Safe Harbor for Individual Account Plans (RIN: 1201–AB58).

[6] (RIN: 1210–AB18).

[7] (RIN: 1210–AB59).

The Department also pursues regulations to ensure that Federal workers' compensation benefits programs are fairly administered:

• OWCP plans to propose several modifications and clarifications to the regulations implementing the Black Lung Benefits Act, including a rule that addresses claimants' and coal mine operators' responsibility to disclose medical evidence developed in connection with a claim for benefits. In addition, the proposed regulation would make several clarifications regarding reimbursement rates for medical treatment, the modification procedure, evidence-submission limits, and compensation payments.[8]

Safeguarding Fair Pay for All Americans

The Department's regulatory agenda prioritizes ensuring that all Americans receive a fair day's pay for a fair day's work, and are not discriminated against with respect to hiring, employment, or benefits on the basis of race, gender, sexual orientation, or gender identity. For example, WHD recently published a Final Rule to implement Executive Order 13658, which the President signed in February 2014 to ensure that certain Federal contractors pay a minimum wage of at least $10.10 per hour beginning on January 1, 2015. Other notable proposals include:

• WHD plans to publish an NPRM proposing revisions to the Fair Labor Standards Act's (FLSA's) overtime exemptions as directed by a March 2014 Presidential Memorandum. The FLSA generally requires covered employers to pay their employees at least the Federal minimum wage for all hours worked, and one-and-one-half times their regular rate of pay for hours worked in excess of 40 in a workweek (''overtime''). However, there are a number of exemptions from the FLSA's minimum wage and overtime requirements, including an exemption for bona fide executive, administrative, or professional employees. The President's Memorandum directed the Secretary to modernize and streamline the existing overtime regulations for these ''white collar'' employees to ensure that hardworking middle-class workers are not denied overtime protections that Congress intended.[9]

• WHD also plans to publish a Final Rule revising the definition of ''spouse'' in the Family and Medical Leave Act (FMLA) in light of the United States Supreme Court's decision in *United States* v. *Windsor.* This Department previously issued an NPRM proposing that eligible employees in legal same-sex marriages may take unpaid, job-protected leave to care for their spouse or family member, regardless of whether their state of residence recognizes their same-sex marriage.[10]

• OFCCP's rulemaking implementing Executive Order 13672, signed by the President in July 2014 to amend Executive Order 11246, ensures that Federal contractors do not engage in hiring or employment discrimination based on sexual orientation or gender identity. The Executive Order required the Department to prepare regulations within 90 days of the date of the Order to insert ''sexual orientation, gender identity'' into identified paragraphs of section 2 of Executive Order 11246.[11]

• OFCCP plans to issue a Final Rule pursuant to a Presidential Memorandum directing the Department to require Federal contractors and subcontractors to submit summary data on the compensation paid to their employees. The use of this sort of ''Equal Pay Report'' is one component of a larger strategy to address the reality that, despite five decades of extraordinary legal and social progress, working women still earn only 78 cents for every dollar that working men earn, and the amount is even less for African American women and Latinas. The new rule will enable OFCCP to direct its enforcement resources toward Federal contractors whose summary data indicate potential pay disparities, while reducing the likelihood of reviewing companies that are in compliance with anti-discrimination laws.[12]

OFCCP also continues to pursue an initiative on Construction Contractor Affirmative Action Requirements.[13]

Giving Workers a Voice in Their Workplaces

The Department's regulatory program also promotes policies that give workers a voice in their workplaces, including by ensuring that workers have information that is critical to their effective participation in the workplace. Two key examples include:

• OFCCP plans to issue a Final Rule implementing Executive Order 13665, which the President signed on April 8, 2014, prohibiting discrimination by Federal contractors and subcontractors against certain of their employees for disclosing compensation information. This Executive Order was intended to address policies inhibiting workers' ability to advocate for themselves about their pay and prohibiting employee conversations about compensation. Such policies can serve as a significant barrier to Federal enforcement of the laws against compensation discrimination.[14]

• OLMS plans to publish a Final Rule following an NPRM that proposed regulations to better implement the public disclosure objectives of the Labor-Management Reporting and Disclosure Act (LMRDA) in situations where an employer engages a consultant in order to persuade employees concerning their rights to organize and bargain collectively. Workers are better able to make an informed choice about representation when they have the necessary information about arrangements that have been made by their employer to persuade them whether or not to form, join, or assist a union. While the LMRDA requires employers to file reports of any agreement or arrangement with a consultant to persuade employees concerning their rights to organize and collectively bargain, the statute provides an exception for consultants giving or agreeing to give ''advice'' to the employer. The Department's NPRM reconsidered the current policy concerning the scope of the ''advice'' exception.[15]

Protecting the Safety and Health of Workers

The Department's regulatory agenda prioritizes efforts to protect the safety and health of workers so they do not have to risk their lives for a paycheck. These efforts encompass protecting workers in all workplaces, including above- and below-ground coal and metal/nonmetal mines, in addition to efforts to ensure that benefits programs are available to workers and their families when they are injured on the job. Notable examples of these efforts include:

• OSHA continues to pursue regulations aimed at curbing lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease in America's workers by lowering worker exposure to crystalline silica, which kills hundreds and sickens thousands more each year. OSHA

[8] Black Lung Benefits Act: Medical Evidence and Benefit Payments (RIN: 1240–AA10).

[9] Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees (RIN: 1235–AA11).

[10] Family and Medical Leave Act of 1993, as amended (RIN: 1235–AA09).

[11] Implementation of Executive Order 13672 Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors (RIN: 1250–AA07).

[12] Requirement to Report Summary Data on Employee Compensation (RIN: 1250–AA03).

[13] (RIN: 1250–AA01).

[14] Prohibitions Against Pay Secrecy Policies and Actions (RIN: 1250–AA06).

[15] Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA (RIN: 1245–AA03).

estimates that the proposed rule would ultimately save nearly 700 lives and prevent 1,600 new cases of silicosis annually. After publishing a proposed rule in September 2013, OSHA received over 1,700 comments from the public on the proposed rule, and over 200 stakeholders provided testimony during public hearings on the proposal. In the coming months, the agency will review and consider the evidence in the rulemaking record. Based upon this review, OSHA will determine an appropriate course of action with regard to workplace exposure to respirable crystalline silica.[16] As a part of the Secretary's strategy for securing safe and healthy work environments, MSHA will utilize information provided by OSHA to undertake regulatory action related to silica exposure in mines.[17]

• OSHA is considering the need for regulatory action to address the risk to workers exposed to infectious diseases in healthcare and other related high-risk environments. Especially given recent events necessitating the careful treatment of individuals with life-threatening infectious diseases, OSHA is concerned about the risk posed to healthcare workers with the movement of healthcare delivery from the traditional hospital setting into more diverse and smaller workplace settings. The Agency initiated the Small Business Regulatory Enforcement Fairness Act (SBREFA) Panel process in the spring of 2014.[18]

• OSHA is developing a Final Rule exploring a requirement for employers to electronically submit data required by agency regulations governing the Recording and Reporting of Occupational Injuries. An updated and modernized reporting system would enable a more efficient and timely collection of data and would improve the accuracy and availability of relevant records and statistics, in addition to leveraging data already maintained electronically by many large employers.[19]

• MSHA plans to issue a Final Rule that would build upon a proposed rule to address the danger that miners face when working near continuous mining machines in underground coal mines. From 1984 through 2014, there have been 35 fatalities resulting from pinning, crushing or striking accidents involving continuous mining machines—the types of accidents that proximity detection technology can prevent. The proposed rule would reduce the potential for such hazards.[20] MSHA also plans to publish a proposed rule that would require underground mine operators to equip certain mobile machines with proximity detection systems.[21]

OSHA's regulatory program also includes initiatives involving Injury and Illness Prevention Programs,[22] Occupational Exposure to Beryllium,[23] Preventing Backover Injuries and Fatalities,[24] and various Whistleblower regulations.

Regulatory Review and Burden Reduction

On January 18, 2011, the President issued Executive Order (E.O.) 13563 entitled ''Improving Regulation and Regulatory Review.'' The E.O. aims to strike the right balance between protecting the health, welfare, safety, and the environment for all Americans—a goal at the core of the Labor Department's mission—while fostering economic growth, job creation, and competitiveness. The Department's Fall 2014 Regulatory Agenda also aims to achieve more efficient and less burdensome regulations through a retrospective review of the Labor Department regulations.

In August 2011, as part of a governmentwide response to E.O. 13563, the Department published its ''Plan for Retrospective Analysis of Existing Rules.'' This plan, and each subsequent update, can be found at *www.dol.gov/regulations/*. The Department's Fall 2014 Agenda includes 12 retrospective review projects, which are listed below pursuant to section 6 of E.O. 13563. More information about completed rulemakings no longer included in the plan can be found on *Reginfo.gov*.

Agency	Regulatory Identifier No.	Title of rulemaking	Whether it is expected to significantly reduce burdens on small businesses
EBSA	1210–AB47	Amendment of Abandoned Plan Program	Yes.
EBSA	1210–AB63	21st Century Initiative to Modernize the Form 5500 Series and Implementing and Related Regulations.	No.
ETA	1205–AB59	Equal Employment Opportunity in Apprenticeship and Training, Amendment of Regulations	To Be Determined.
ETA	1205–AB62	Implementation of Total Unemployment Rate Extended Benefits Trigger and Rounding Rule.	No.
MSHA	1219–AB72	Criteria and Procedures for Proposed Assessment of Civil Penalties (Part 100)	To Be Determined.
OFCCP	1250–AA05	Sex Discrimination Guidelines	To Be Determined.
OSHA	1218–AC34	Bloodborne Pathogens	No.
OSHA	1218–AC67	Standard Improvement Project—Phase IV (SIP IV)	Yes.
OSHA	1218–AC74	Review/Lookback of OSHA Chemical Standards	To Be Determined.
OSHA	1218–AC81	Cranes and Derricks in Construction: Amendments	To Be Determined.
OSHA	1218–AC82	Process Safety Management and Flammable Liquids	To Be Determined.
OSHA	1218–AC49	Improve Tracking of Workplace Injuries and Illnesses	To Be Determined.

[16] Occupational Exposure to Crystalline Silica (RIN: 1218–AB70).

[17] Respirable Crystalline Silica Standard (RIN: 1219–AB36).

[18] Infectious Diseases (RIN: 1218–AC46).

[19] Improve Tracking of Workplace Injuries and Illnesses (RIN: 1218–AC49).

[20] Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines (RIN: 1219–AB65).

[21] Proximity Detection Systems for Mobile Machines in Underground Mines (RIN: 1219–AB78).

[22] (RIN: 1218–AC48).

[23] (RIN: 1218–AB76).

[24] (RIN: 1218–AC51).

DOL—EMPLOYMENT AND TRAINING ADMINISTRATION (ETA)

Proposed Rule Stage

96. • Workforce Innovation and Opportunity Act

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: sec 503(f) of the Workforce Innovation and Opportunity Act (Pub. L. 113–128)

CFR Citation: Not Yet Determined.

Legal Deadline: NPRM, Statutory, January 18, 2015, Public Law 113–128.

Final, Statutory, January 18, 2016.

Abstract: On July 22, 2014, the President signed the Workforce Innovation Opportunity Act (WIOA) (Pub. L. 113–128). WIOA repeals the Workforce Investment Act of 1998 (WIA). (29 U.S.C. 2801 *et seq.*) The Department of Labor must develop and issue a Notice of Proposed Rulemaking (NPRM) that proposes to implement the changes WIOA makes to the public workforce system in regulations. Through the NPRM, the Department will propose ways to carry out the purposes of WIOA to provide workforce investment activities, through State and local workforce development systems, that increase employment, retention, and earnings of participants, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation.

Statement of Need: On July 22, 2014, the President signed the Workforce Innovation Opportunity Act (WIOA) (Pub. L. 113–128) into law. WIOA repeals the Workforce Investment Act of 1998 (WIA) (29 U.S.C. 2801 *et seq.*) As a result, the WIA regulations no longer reflect current law and we must change. Therefore, the Department of Labor seeks to develop and issue a Notice of Proposed Rulemaking (NPRM) that proposes to implement the WIOA.

Summary of Legal Basis: The Workforce Innovation Opportunity Act (WIOA) (Pub. L. 113–128), signed by the President on July 22, 2014. Section 503(f) of WIOA requires that the Department issue a Notice of Proposed Rulemaking (NPRM) and then Final Rule that implements the changes WIOA makes to the public workforce system in regulations.

Alternatives: Since Congress statutorily directed the Department of Labor to issue a Notice of Proposed Rulemaking (NPRM) and Final Rule that implements the changes WIOA makes to the public workforce system there is no alternative.

Anticipated Cost and Benefits: Undetermined.

Risks: Undetermined.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Portia Wu, Assistant Secretary for Employment and Training, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Washington, DC 20210, *Phone:* 202 639–2700.

RIN: 1205–AB73

DOL—MINE SAFETY AND HEALTH ADMINISTRATION (MSHA)

Proposed Rule Stage

97. Respirable Crystalline Silica

Priority: Other Significant.

Legal Authority: 30 U.S.C. 811

CFR Citation: 30 CFR 58.

Legal Deadline: None.

Abstract: Current standards limit exposures to quartz (crystalline silica) in respirable dust. The metal and nonmetal mining industry standard is based on the 1973 American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values formula: 10 mg/m3 divided by the percentage of quartz plus 2. Overexposure to crystalline silica can result in some miners developing silicosis, an irreversible but preventable lung disease, which ultimately may be fatal. The formula is designed to limit exposures to 0.1 mg/m3 (100 ug/m3) of silica. The National Institute for Occupational Safety and Health (NIOSH) recommends a 50 ug/m3 exposure limit for respirable crystalline silica. MSHA will publish a proposed rule to address miners' exposure to respirable crystalline silica.

Statement of Need: MSHA standards are outdated; current regulations may not protect workers from developing silicosis. Evidence indicates that miners continue to develop silicosis. MSHA's proposed regulatory action exemplifies the Agency's commitment to protecting the most vulnerable populations while assuring broad-based compliance. MSHA will regulate based on sound science to eliminate or reduce the hazards with the broadest and most serious consequences. MSHA intends to use OSHA's work on the health effects and risk assessment, adapting it as necessary for the mining industry.

Summary of Legal Basis: Promulgation of this standard is authorized by section 101 of the Federal Mine Safety and Health Act of 1977.

Alternatives: This rulemaking would improve health protection from that afforded by the existing standards. MSHA will consider alternative methods of addressing miners' exposures based on the capabilities of the sampling and analytical methods.

Anticipated Cost and Benefits: MSHA will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

Risks: For over 70 years, toxicology information and epidemiological studies have shown that exposure to respirable crystalline silica presents potential health risks to miners. These potential adverse health effects include simple silicosis and progressive massive fibrosis (lung scarring). Evidence indicates that exposure to silica may cause cancer. MSHA believes that the health evidence forms a reasonable basis for reducing miners' exposures to respirable crystalline silica.

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.

URL for More Information: *www.msha.gov/regsinfo.htm.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209, *Phone:* 202 693–9440, *Fax:* 202 693–9441, *Email: mcconnell.sheila.a@dol.gov.*

RIN: 1219–AB36

DOL—MSHA

98. Criteria and Procedures for Proposed Assessment of Civil Penalties

Priority: Other Significant.

Legal Authority: 30 U.S.C. 815; 30 U.S.C. 820; 30 U.S.C. 957

CFR Citation: 30 CFR 100.
Legal Deadline: None.
Abstract: Mine Safety and Health Administration (MSHA) revise the process for proposing civil penalties. The assessment of civil penalties is a key component in MSHA's strategy to enforce safety and health standards. The Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and take necessary action to prevent safety and health hazards before they occur. MSHA believes that the procedures for assessing civil penalties can be revised to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues.

Statement of Need: Section 110(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act) requires MSHA to assess a civil penalty for a violation of a mandatory health or safety standard or violation of any provision of the Mine Act. The mine operator has 30 days from receipt of the proposed assessment to contest it before the Federal Mine Safety and Health Review Commission (Commission), an independent adjudicatory agency established under the Mine Act. A proposed assessment that is not contested within 30 days becomes a final order of the Commission. A proposed assessment that is contested within 30 days proceeds to the Commission for adjudication. The proposed rule would promote consistency, objectivity, and efficiency in the proposed assessment of civil penalties. When issuing citations or orders, inspectors are required to evaluate safety and health conditions, and make decisions about the statutory criteria related to assessing penalties. The proposed changes in the measures of the evaluation criteria would result in fewer areas of disagreement and earlier resolution of enforcement issues. The proposal would require conforming changes to the Mine Citation/Order form (MSHA Form 7000–3).

Summary of Legal Basis: Section 104 of the Mine Act requires MSHA to issue citations or orders to mine operators for any violations of a mandatory health or safety standard, rule, order, or regulation promulgated under the Mine Act. Sections 105 and 110 of the Mine Act provide for assessment of these penalties.

Alternatives: The proposal would include several alternatives in the preamble and requests comments on them.

Anticipated Cost and Benefits: MSHA's proposed rule includes an estimate of the anticipated costs and benefits.

Risks: MSHA's existing procedures for assessing civil penalties can be revised to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues. In the overwhelming majority of contested cases before the Commission, the issue is not whether a violation occurred. Rather, the parties disagree on the gravity of the violation, the degree of mine operator negligence, and other criterion. The proposed changes should result in fewer areas of disagreement and earlier resolution of enforcement issues, which should result in fewer contests of violations or proposed assessments.

Timetable:

Action	Date	FR Cite
NPRM	07/31/14	79 FR 44494
NPRM Comment Period End.	09/29/14	
NPRM Comment Period Extended.	09/16/14	79 FR 55408
NPRM Comment Period Extended End.	12/03/14	
NPRM Notice of Public Hearings, Close of Comment Period.	11/07/14	79 FR 66345
NPRM Notice of Public Hearings, Close of Comment Period End.	01/09/15	

Regulatory Flexibility Analysis Required: Undetermined.
Small Entities Affected: Businesses.
Government Levels Affected: None.
URL for More Information: *www.msha.gov/regsinfo.htm.*
URL for Public Comments: *www.regulations.gov.*
Agency Contact: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209, *Phone:* 202–693–9440, *Fax:* 202–693–9441, *Email: mcconnell.sheila.a@dol.gov.*
RIN: 1219–AB72

DOL—MSHA

99. Proximity Detection Systems for Mobile Machines in Underground Mines

Priority: Other Significant.
Legal Authority: 30 U.S.C. 811
CFR Citation: Not Yet Determined.
Legal Deadline: None.
Abstract: Mine Safety and Health Administration (MSHA) will develop a proposed rule to address the hazards that miners face when working near mobile equipment in underground mines. MSHA has concluded, from investigations of accidents involving mobile equipment and other reports, that action is needed to protect miner safety. Mobile equipment can pin, crush, or strike a miner working near the equipment. Proximity detection technology can prevent these types of accidents. The proposed rule would strengthen the protection for underground miners by reducing the potential of pinning, crushing, or striking hazards associated with working close to mobile equipment.

Statement of Need: Mining is one of the most hazardous industries in this country. Miners continue to be injured or killed resulting from pinning, crushing, or striking accidents involving mobile equipment. Equipment is available to help prevent accidents that cause debilitating injuries and accidental death.

Summary of Legal Basis: Promulgation of this standard is authorized by section 101(a) of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006.

Alternatives: No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards and preventing injuries.

Anticipated Cost and Benefits: MSHA will develop a preliminary regulatory economic analysis to accompany the proposed rule.

Risks: The lack of proximity detection systems on mobile equipment in underground mines contributes to a higher incidence of debilitating injuries and accidental deaths.

Timetable:

Action	Date	FR Cite
Request for Information.	02/01/10	75 FR 5009
RFI Comment Period Ended.	04/02/10	
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.
Government Levels Affected: None.
URL for More Information: *www.msha.gov/regsinfo.htm.*
URL for Public Comments: *www.regulations.gov.*
Agency Contact: Sheila McConnell, Acting Director, Office of Standards,

Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209, *Phone:* 202 693–9440, *Fax:* 202 693–9441, *Email: mcconnell.sheila.a@dol.gov.*

Related RIN: Related to 1219–AB65

RIN: 1219–AB78

DOL—MSHA

Final Rule Stage

100. Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines

Priority: Other Significant.

Legal Authority: 30 U.S.C. 811.

CFR Citation: 30 CFR 75.1732.

Legal Deadline: None.

Abstract: This final rule addresses hazards that miners face when working near continuous mining machines in underground coal mines. Mine Safety and Health Administration (MSHA) has concluded, from investigations of accidents involving continuous mining machines and other reports, that action is necessary to protect miners. Continuous mining machines can pin, crush, or strike a miner working near the equipment. Proximity detection technology can prevent these types of accidents. The final rule would strengthen the protection for underground coal miners by reducing the potential of pinning, crushing, or striking hazards associated with working close to continuous mining machines.

Statement of Need: Mining is one of the most hazardous industries in this country. Miners continue to be injured or killed resulting from pinning, crushing, or striking accidents involving mobile equipment. Equipment is available to help prevent accidents that cause debilitating injuries and accidental death.

Summary of Legal Basis: Promulgation of this standard is authorized by section 101(a) of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006.

Alternatives: No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards and preventing injuries.

Anticipated Cost and Benefits: MSHA will develop a regulatory economic analysis to accompany the final rule.

Risks: The lack of proximity detection systems on continuous mining machines in underground coal mines contributes to a higher incidence of debilitating injuries and accidental deaths.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	02/01/10	75 FR 5009
RFI Comment Period Ended.	04/02/10	
NPRM	08/31/11	76 FR 54163
Notice of Public Hearing.	10/12/11	76 FR 63238
NPRM Comment Period End.	11/14/11	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: *www.msha.gov/reginfo.htm.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Sheila McConnell, Acting Director, Office of Standards and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209, *Phone:* 202 693–9440, *Fax:* 202 693–9441, *Email: mcconnell.sheila.a@dol.gov.*

Related RIN: Related to 1219–AB78

RIN: 1219–AB65

DOL—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Prerule Stage

101. Infectious Diseases

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673; ...

CFR Citation: 29 CFR 1910.

Legal Deadline: None.

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-resistant Staphylococcus aureus (MRSA), and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is concerned about the ability of employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. OSHA is considering the need for a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Statement of Need: In 2007, the healthcare and social assistance sector as a whole had 16.5 million employees. Healthcare workplaces can range from small private practices of physicians to hospitals that employ thousands of workers. In addition, healthcare is increasingly being provided in other settings such as nursing homes, free-standing surgical and outpatient centers, emergency care clinics, patients' homes, and prehospitalization emergency care settings. The Agency is particularly concerned by studies that indicate that transmission of infectious diseases to both patients and healthcare workers may be occurring as a result of incomplete adherence to recognized, but voluntary, infection control measures. Another concern is the movement of healthcare delivery from the traditional hospital setting, with its greater infrastructure and resources to effectively implement infection control measures, into more diverse and smaller workplace settings with less infrastructure and fewer resources, but with an expanding worker population.

Summary of Legal Basis: The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Anticipated Cost and Benefits: The estimates of the costs and benefits are still under development.

Risks: Analysis of risks is still under development.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/29/11	
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.

Federalism: Undetermined.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC46

DOL—OSHA

Proposed Rule Stage

102. Occupational Exposure to Crystalline Silica

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926.

Legal Deadline: None.

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula proposed by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1968 (PEL = 10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and shipyards (derived from ACGIH's 1970 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50µg/m3 and 25µg/m3 exposure limits, respectively, for respirable crystalline silica.

Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. ASTM International has published recommended standards for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL–CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods of compliance, exposure monitoring, training, and medical surveillance.

The NPRM was published on September 12, 2013. OSHA received over 1,700 comments from the public on the proposed rule, and over 200 stakeholders provided testimony during public hearings on the proposal. In the coming months, the agency will review and consider the evidence in the rulemaking record. Based upon this review, OSHA will determine an appropriate course of action with regard to workplace exposure to respirable crystalline silica.

Statement of Need: Workers are exposed to crystalline silica dust in general industry, construction, and maritime industries. Industries that could be particularly affected by a standard for crystalline silica include: Foundries, industries that have abrasive blasting operations, paint manufacture, glass and concrete product manufacture, brick making, china and pottery manufacture, manufacture of plumbing fixtures, and many construction activities including highway repair, masonry, concrete work, rock drilling, and tuckpointing. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur. From 2006 to 2010 silicosis was identified on 617 death certificates as an underlying or contributing cause of death. It is likely that many more cases have occurred where silicosis went undetected. In addition, the International Agency for Research on Cancer has designated crystalline silica as carcinogenic to humans, and the National Toxicology Program has concluded that respirable crystalline silica is a known human carcinogen. Exposure to crystalline silica has also been associated with an increased risk of developing tuberculosis and other nonmalignant respiratory diseases, as well as renal and autoimmune diseases. Exposure studies and OSHA enforcement data indicate that some workers continue to be exposed to levels of crystalline silica far in excess of current exposure limits. Congress has included compensation of silicosis victims on Federal nuclear testing sites in the Energy Employees' Occupational Illness Compensation Program Act of 2000. There is a particular need for the Agency to modernize its exposure limits for construction and shipyard workers.

Summary of Legal Basis: The legal basis for the proposed rule is a preliminary determination that workers are exposed to a significant risk of silicosis and other serious disease, and that rulemaking is needed to substantially reduce the risk. In addition, the proposed rule will recognize that the PELs for construction and maritime are outdated, and need to be revised to reflect current sampling and analytical technologies.

Alternatives: Over the past several years, the Agency has attempted to address this problem through a variety of non-regulatory approaches, including initiation of a Special Emphasis Program on silica in October 1997, sponsorship with NIOSH and MSHA of the National Conference to Eliminate Silicosis, and dissemination of guidance information on its Web site.

Anticipated Cost and Benefits: The scope of the proposed rulemaking and estimates of the costs and benefits are still under development.

Risks: A detailed risk analysis is under way.

Timetable:

Action	Date	FR Cite
Completed SBREFA Report.	12/19/03	
Initiated Peer Review of Health Effects and Risk Assessment.	05/22/09	
Completed Peer Review.	01/24/10	
NPRM	09/12/13	78 FR 56274
NPRM Comment Period Extended; Notice of Intention to Appear at Pub Hearing; Scheduling Pub Hearing.	10/31/13	78 FR 65242
NPRM Comment Period Extended.	01/29/14	79 FR 4641

Action	Date	FR Cite
Informal Public Hearing.	03/18/14	
Post Hearing Briefs Ends.	08/18/14	
Analyze Comments.	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: This action may have federalism implications as defined in E.O. 13132.

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RIN: 1218–AB70

DOL—OSHA

Final Rule Stage

103. Improve Tracking of Workplace Injuries and Illnesses

Priority: Other Significant.

Legal Authority: 29 U.S.C. 657

CFR Citation: 29 CFR 1904.

Legal Deadline: None.

Abstract: Occupational Safety and Health Administration (OSHA) is making changes to its reporting system for occupational injuries and illnesses. An updated and modernized reporting system would enable a more efficient and timely collection of data, and would improve the accuracy and availability of the relevant records and statistics. This rulemaking involves modification to 29 CFR part 1904.41 to expand OSHA's legal authority to collect and make available injury and illness information required under part 1904.

Statement of Need: The collection of establishment specific injury and illness data in electronic format on a timely basis is needed to help OSHA, employers, employees, researchers, and the public more effectively prevent workplace injuries and illnesses, as well as support President Obama's Open Government Initiative to increase the ability of the public to easily find, download, and use the resulting dataset generated and held by the Federal Government.

Summary of Legal Basis: The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics (29 U.S.C. 673).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Anticipated Cost and Benefits: The estimates of the costs and benefits are still under development.

Risks: Analysis of risks is still under development.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings.	05/25/10	75 FR 24505
Comment Period End.	06/18/10	
NPRM	11/08/13	78 FR 67253
Notice of Public Meeting.	11/15/13	78 FR 68782
Public Meeting	01/09/13	
NPRM Comment Period Reopened.	08/14/14	79 FR 47605
NPRM Comment Period End.	10/14/14	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Francis Yebesi, Acting Director, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Bld, Rm N–3641, Washington, DC 20210, *Phone:* 202 693–2400, *Fax:* 202 693–1641, *Email: yebesi.francis@dol.gov.*

RIN: 1218–AC49

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DEPARTMENT OF TRANSPORTATION (DOT)

Introduction: Department Overview and Summary of Regulatory Priorities

The Department of Transportation (DOT) consists of 9 operating administrations and the Office of the Secretary, each of which has statutory responsibility for a wide range of regulations. DOT regulates safety in the aviation, motor carrier, railroad, motor vehicle, commercial space, public transportation, and pipeline transportation areas. DOT also regulates aviation consumer and economic issues and provides financial assistance for programs involving highways, airports, public transportation, the maritime industry, railroads, and motor vehicle safety. In addition, the Department writes regulations to carry out a variety of statutes ranging from the Americans With Disabilities Act to the Uniform Time Act. Finally, DOT develops and implements a wide range of regulations that govern internal DOT programs such as acquisitions and grants, access for the disabled, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, and the use of aircraft and vehicles.

The Department's Regulatory Priorities

The Department's regulatory priorities respond to the challenges and opportunities we face. Our mission generally is as follows:

The national objectives of general welfare, economic growth and stability, and the security of the United States require the development of transportation policies and programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest cost consistent with those and other national objectives, including the efficient use and conservation of the resources of the United States.

To help us achieve our mission, we have five goals in the Department's Strategic Plan for Fiscal Years 2012–2016:

- Safety: Improve safety by ''reducing transportation-related fatalities and injuries.''
- State of Good Repair: Improve the condition of our Nation's transportation infrastructure.
- Economic Competitiveness: Foster ''smart strategic investments that will serve the traveling public and facilitate freight movements.''
- Quality of Life: Foster through ''coordinated, place-based policies and investments that increase transportation choices and access to transportation services.''
- Environmental Sustainability: Advance environmental sustainability ''through strategies such as fuel economy standards for cars and trucks, more environmentally sound construction and operational practices, and by expanding opportunities for shifting freight from less fuel-efficient modes to more fuel-efficient modes.''

In identifying our regulatory priorities for the next year, the Department considered its mission and goals and focused on a number of factors, including the following:

- The relative risk being addressed.
- Requirements imposed by statute or other law.
- Actions on the National Transportation Safety Board ''Most Wanted List''.
- The costs and benefits of the regulations.

• The advantages of nonregulatory alternatives.

• Opportunities for deregulatory action.

• The enforceability of any rule, including the effect on agency resources.

This regulatory plan identifies the Department's regulatory priorities—the 17 pending rulemakings chosen, from among the dozens of significant rulemakings listed in the Department's broader regulatory agenda, that the Department believes will merit special attention in the upcoming year. The rules included in the regulatory plan embody the Department's focus on our strategic goals.

The regulatory plan reflects the Department's primary focus on safety—a focus that extends across several modes of transportation. For example:

• The Federal Aviation Administration (FAA) will continue its efforts to implement safety management systems.

• The Federal Motor Carrier Safety Administration (FMCSA) continues its work to strengthen the requirements for Electronic Logging Devices and revise motor carrier safety fitness procedures.

• The National Highway Traffic Safety Administration (NHTSA) will continue its rulemaking efforts to reduce death and injury resulting from incidents involving motorcoaches.

Each of the rulemakings in the regulatory plan is described below in detail. In order to place them in context, we first review the Department's regulatory philosophy and our initiatives to educate and inform the public about transportation safety issues. We then describe the role of the Department's retrospective reviews and its regulatory process and other important regulatory initiatives of OST and of each of the Department's components. Since each transportation ''mode'' within the Department has its own area of focus, we summarize the regulatory priorities of each mode and of OST, which supervises and coordinates modal initiatives and has its own regulatory responsibilities, such as consumer protection in the aviation industry.

The Department's Regulatory Philosophy and Initiatives

The Department has adopted a regulatory philosophy that applies to all its rulemaking activities. This philosophy is articulated as follows: DOT regulations must be clear, simple, timely, fair, reasonable, and necessary. They will be issued only after an appropriate opportunity for public comment, which must provide an equal chance for all affected interests to participate, and after appropriate consultation with other governmental entities. The Department will fully consider the comments received. It will assess the risks addressed by the rules and their costs and benefits, including the cumulative effects. The Department will consider appropriate alternatives, including nonregulatory approaches. It will also make every effort to ensure that regulation does not impose unreasonable mandates.

The Department stresses the importance of conducting high-quality rulemakings in a timely manner and reducing the number of old rulemakings. To implement this, the Department has required the following actions: (1) Regular meetings of senior DOT officials to ensure effective policy leadership and timely decisions, (2) effective tracking and coordination of rulemakings, (3) regular reporting, (4) early briefings of interested officials, (5) regular training of staff, and (6) adequate allocations of resources. The Department has achieved significant success because of this effort. It allows the Department to use its resources more effectively and efficiently.

The Department's regulatory policies and procedures provide a comprehensive internal management and review process for new and existing regulations and ensure that the Secretary and other appropriate appointed officials review and concur in all significant DOT rules. DOT continually seeks to improve its regulatory process. A few examples include: The Department's development of regulatory process and related training courses for its employees; creation of an electronic rulemaking tracking and coordination system; the use of direct final rulemaking; the use of regulatory negotiation; a continually expanding and improved Internet page that provides important regulatory information, including ''effects'' reports and status reports (*http://www.dot.gov/regulations*); and the continued exploration and use of Internet blogs and other Web 2.0 technology to increase and enhance public participation in its rulemaking process.

In addition, the Department continues to engage in a wide variety of activities to help cement the partnerships between its agencies and its customers that will produce good results for transportation programs and safety. The Department's agencies also have established a number of continuing partnership mechanisms in the form of rulemaking advisory committees.

The Department's Retrospective Review of Existing Regulations

In accordance with Executive Order (E.O.) 13563 (Improving Regulation and Regulatory Review), the Department actively engaged in a special retrospective review of our existing rules to determine whether they need to be revised or revoked. This review was in addition to those reviews in accordance with section 610 of the Regulatory Flexibility Act, E.O. 12866, and the Department's Regulatory Policies and Procedures. As part of this effort, we also reviewed our processes for determining what rules to review and ensuring that the rules are effectively reviewed. As a result of the review, we identified many rules for expedited review and changes to our retrospective review process. Pursuant to section 6 of E.O. 13563, the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Some of these entries on this list may be completed actions, which do not appear in The Regulatory Plan. If a retrospective review action has been completed it will no longer appear on the list below. However, more information can be found about these completed rulemakings on the Unified Agenda publications at Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final agency retrospective review plan can be found at *http://www.dot.gov/regulations*.

RETROSPECTIVE REVIEW OF EXISTING REGULATIONS

RIN	Rulemaking title	Significantly reduces costs on small businesses
1. 2105–AE29	Transportation Services for Individuals with Disabilities: Over-the-Road Buses (RRR).	

RETROSPECTIVE REVIEW OF EXISTING REGULATIONS—Continued

RIN	Rulemaking title	Significantly reduces costs on small businesses
2. 2120–AJ90	Effective Tether System (Tether Rule) (RRR).	
3. 2120–AJ94	Enhanced Flight Vision System (EFVS) (RRR).	
4. 2120–AK24	Fuel Tank and System Lightning Protection (RRR).	
5. 2120–AK28	Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; Other Provisions (RRR).	
6. 2120–AK32	Acceptance Criteria for Portable Oxygen Concentrators Used Onboard Aircraft (RRR).	
7. 2120–AK34	Flammability Requirements for Transport Category Airplanes (RRR).	
8. 2120–AK40	Elimination of the Air Traffic Control Tower Operator Certificate for Controllers Who Hold a Federal Aviation Administration Credential With a Tower Rating (RRR).	
9. 2120–AK44	Reciprocal Waivers of Claims for Non-Party Customer Beneficiaries, Signature of Waivers of Claims by Commercial Space Transportation Customers. And Waiver of Claims and Assumption of Responsibility for Permitted Activities with No Customer (RRR).	
10. 2125–AF62	Acquisition of Right-of-Way (RRR) (MAP–21).	
11. 2125–AF65	Buy America (RRR).	
12. 2126–AB46	Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR).	
13. 2126–AB47	Electronic Signatures and Documents (E-Signatures) (RRR).	
14. 2126–AB49	Elimination of Redundant Maintenance Rule (RRR).	
15. 2127–AK98	Pedestrian Safety Global Technical Regulation (RRR).	
16. 2127–AL03	Part 571 FMVSS No. 205, Glazing Materials, GTR (RRR).	
17. 2127–AL05	Amend FMVSS No. 210 to Incorporate the Use of a New Force Application Device (RRR)	Y
18. 2127–AL17	49 CFR Part 595, Subpart C, Make Inoperative Exemptions, Vehicle Modifications to Accommodate People With Disabilities, from FMVSS No. 226 (RRR).	
19. 2127–AL20	Upgrade of LATCH Usability Requirements (MAP–21) (RRR).	
20. 2127–AL24	Rapid Tire Deflation Test in FMVSS No. 110 (RRR).	
21. 2127–AL41	FMVSS No. 571.108 License Plate Mounting Angle (RRR).	
22. 2127–AL58	Upgrade of Rear Impact Guard Requirements for Trailers and Semitrailers (RRR).	
23. 2130–AC32	Positive Train Control Systems: De Minimis Exception, Yard Movements, En Route Failures; Miscellaneous Grade Crossing/Signal and Train Control Amendments (RRR).	Y
24. 2130–AC40	Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions (RRR).	
25. 2130–AC41	Hours of Service Recordkeeping; Electronic Recordkeeping Amendments (RRR).	
26. 2130–AC43	Safety Glazing Standards; Miscellaneous Revisions (RRR).	
27. 2130–AC44	Revisions to Signal System Reporting Requirements (RRR).	
28. 2137–AE38	Hazardous Materials: Compatibility with the Regulations of the International Atomic Energy Agency (IAEA) (RRR).	
29. 2137–AE62	Hazardous Materials: Approval and Communication Requirements for the Safe Transportation of Air Bag Inflators, Air Bag Modules, and Seat-Belt Pretensioners (RRR).	
30. 2137–AE72	Pipeline Safety: Gas Transmission (RRR)	Y
31. 2137–AE80	Hazardous Materials: Miscellaneous Pressure Vessel Requirements (DOT Spec Cylinders) (RRR).	Y
32. 2137–AE81	Hazardous Materials: Reverse Logistics (RRR)	Y
33. 2137–AE85	Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments (RRR).	
34. 2137–AE86	Hazardous Materials: Requirements for the Safe Transportation of Bulk Explosives (RRR).	
35. 2137–AE94	Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR).	Y
36. 2137–AF04	Hazardous Materials: Miscellaneous Amendments (RRR).	
37. 2137–AF05	Hazardous Materials: Harmonization with International Standards (RRR).	

International Regulatory Cooperation

E.O. 13609 (Promoting International Regulatory Cooperation) stresses that ''[i]n an increasingly global economy, international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting the goals of'' E.O. 13563 to ''protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.'' DOT has long recognized the value of international regulatory cooperation and has engaged in a variety of activities with both foreign governments and international bodies. These activities have ranged from cooperation in the development of particular standards to discussions of necessary steps for rulemakings in general, such as risk assessments and cost-benefit analyses of possible standards. Since the issuance of E.O. 13609, we have increased our efforts in this area. For example, many of DOT's Operating Administrations are active in groundbreaking government-wide Regulatory Cooperation Councils (RCC) with Canada, Mexico, and the European Union. These RCC working groups are setting a precedent in developing and testing approaches to international coordination of rulemaking to reduce barriers to international trade. We also have been exploring innovative approaches to ease the development process.

Examples of the many cooperative efforts we are engaged in include the following: The FAA maintains ongoing efforts with foreign civil aviation authorities, including in particular the European Aviation Safety Agency and Transport Canada, to harmonize standards and practices where doing so will improve the safety of aviation and aviation-related activities. The FAA also plays an active role in the standard-setting work of the International Civil Aviation Organization (ICAO), particularly on the Air Navigation Commission and the Legal Committee. In doing so, the FAA works with other

Nations to shape the standards and recommended practices adopted by ICAO. The FAA's rulemaking actions related to safety management systems are examples of the FAA's harmonization efforts.

NHTSA is actively engaged in international regulatory cooperative efforts on both a multilateral and a bilateral basis, exchanging information on best practices and otherwise seeking to leverage its resources for addressing vehicle issues in the U.S. As noted in Executive Order 13609: ''(i)n meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation'' and ''can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.''

As the representative, for vehicle safety matters, of the United States, one of 33 contracting parties to the 1998 Agreement on the Harmonization of Vehicle Regulations, NHTSA is an active participant in the World Forum for Vehicle Regulations (WP.29) at the UN. Under that umbrella, NHTSA is currently working on the development of harmonized regulations for the safety of electric vehicles; hydrogen and fuel cell vehicles; advanced head restraints; pole side impact test procedures; pedestrian protection; the safety risks associated with quieter vehicles, such as electric and hybrid electric vehicles; and advancements in tires.

In recognition of the large cross-border market in motor vehicles and motor vehicle equipment, NHTSA is working bilaterally with Transport Canada under the Motor Vehicles Working Group of the U.S.-Canada Regulatory Cooperation Council (RCC) to facilitate implementation of the initial RCC Joint Action Plan. Under this Plan, NHTSA and Transport Canada are working on the development of international standards on quieter vehicles, electric vehicle safety, and hydrogen and fuel cell vehicles.

Building on the initial Joint Action Plan, the U.S. and Canada issued a Joint Forward Plan on August 29, 2014. The Forward Plan provides that, over the next six months, regulators will develop Regulatory Partnership Statements (RPSs) outlining the framework for how cooperative activities will be managed between agencies. In that same period, regulators will also develop and complete detailed work plans to begin to address the commitments in the Forward Plan. To facilitate future cooperation, the RCC will work over the next year on cross-cutting issues in areas such as: ''sharing information with foreign governments, joint funding of new initiatives and our respective rulemaking processes.''

To broaden and deepen its cooperative efforts with the European Union, NHTSA is participating in ongoing negotiations regarding the Transatlantic Trade and Investment Partnership which is ''aimed at providing greater compatibility and transparency in trade and investment regulation, while maintaining high levels of health, safety, and environmental protection.'' NHTSA is seeking to build on existing levels of safety and lay the groundwork for future cooperation in addressing emerging safety issues and technologies.

PHMSA's hazardous material group works with ICAO, the UN Subcommittee of Experts on Dangerous Goods, and the International Maritime Organization. Through participation in these international bodies, PHMSA is able to advocate on behalf of U.S. safety and commercial interests to guide the development of international standards with which U.S. businesses have to comply when shipping in international commerce. PHMSA additionally participates in the RCC with Canada and has a Memorandum of Cooperation in place to ensure that cross-border shipments are not hampered by conflicting regulations. The pipeline group at PHMSA incorporates many standards by reference into the Pipeline Safety Regulations, and the development of these standards benefit from the participation of experts from around the world.

In the areas of airline consumer protection and civil rights regulation, OST is particularly conscientious in seeking international regulatory cooperation. For example, the Department participates in the standard-setting activities of ICAO and meets and works with other governments and international airline associations on the implementation of U.S. and foreign aviation rules.

For a number of years the Department has also provided information on which of its rulemaking actions have international effects. This information, updated monthly, is available at the Department's regulatory information Web site, *http://www.dot.gov/regulations*, under the heading ''Reports on Rulemakings and Enforcement.'' (The reports can be found under headings for ''EU,'' ''NAFTA'' (Canada and Mexico) and ''Foreign.'') A list of our significant rulemakings that are expected to have international effects follows; the identifying RIN provided below can be used to find summary and other information about the rulemakings in the Department's Regulatory Agenda published along with this Plan:

DOT Significant Rulemakings With International Impacts

RIN	Rulemaking title
2105–AD90	Stowage and Assistive Devices.
2105–AD91	Accessibility of Airports.
2105–AE06	E-Cigarette.
2120–AJ60	Small Unmanned Aircraft.
2120–AJ69	Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan.
2120–AJ89	Slot Management and Transparency.
2120–AK09	Drug & Alcohol Testing for Repair Stations.
2126–AA34	Mexico-Domiciled Motor Carriers.
2126–AA35	Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.
2124–AA70	Limitations on the Issuance of Commercial Driver Licenses with a Hazardous Materials Endorsement.
2126–AB56	MAP–21 Enhancements and Other Updates to the Unified Registration System.
2127–AK76	Tire Fuel Efficiency Part 2.
2127–AK93	Quieter Vehicles Sound Alert.
2127–AK95	Side Impact Test Procedure for CRS.
2133–AB74	Cargo Preference.

DOT SIGNIFICANT RULEMAKINGS WITH INTERNATIONAL IMPACTS—Continued

RIN	Rulemaking title
2137–AE91	Enhanced Rail Tank Car Standards.

As we identify rulemakings arising out of our ongoing regulatory cooperation activities that we reasonably anticipate will lead to significant regulations, we will add them to our Web site report and subsequent Agendas and Plans.

The Department's Regulatory Process

The Department will also continue its efforts to use advances in technology to improve its rulemaking management process. For example, the Department created an effective tracking system for significant rulemakings to ensure that either rules are completed in a timely manner or delays are identified and fixed. Through this tracking system, a monthly status report is generated. To make its efforts more transparent, the Department has made this report Internet accessible at *http://www.dot.gov/regulations*, as well as through a list-serve. By doing this, the Department is providing valuable information concerning our rulemaking activity and is providing information necessary for the public to evaluate the Department's progress in meeting its commitment to completing quality rulemakings in a timely manner.

The Department continues to place great emphasis on the need to complete high-quality rulemakings by involving senior departmental officials in regular meetings to resolve issues expeditiously.

Office of the Secretary of Transportation (OST)

The Office of the Secretary (OST) oversees the regulatory process for the Department. OST implements the Department's regulatory policies and procedures and is responsible for ensuring the involvement of top management in regulatory decisionmaking. Through the General Counsel's office, OST is also responsible for ensuring that the Department complies with the Administrative Procedure Act, Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563, DOT's Regulatory Policies and Procedures, and other legal and policy requirements affecting rulemaking. Although OST's principal role concerns the review of the Department's significant rulemakings, this office has the lead role in the substance of such projects as those concerning aviation economic rules, the Americans with Disabilities Act, and rules that affect multiple elements of the Department.

OST provides guidance and training regarding compliance with regulatory requirements and process for personnel throughout the Department. OST also plays an instrumental role in the Department's efforts to improve our economic analyses; risk assessments; regulatory flexibility analyses; other related analyses; retrospective reviews of rules; and data quality, including peer reviews.

OST also leads and coordinates the Department's response to the Office of Management and Budget's (OMB) intergovernmental review of other agencies' significant rulemaking documents and to Administration and congressional proposals that concern the regulatory process. The General Counsel's office works closely with representatives of other agencies, OMB, the White House, and congressional staff to provide information on how various proposals would affect the ability of the Department to perform its safety, infrastructure, and other missions.

During Fiscal Year 2015, OST will continue to focus its efforts on enhancing airline passenger protections by requiring carriers to adopt various consumer service practices under the following rulemaking initiatives:

- Accessible In-Flight Entertainment
- Airline Pricing Transparency and Other Consumer Protection Issues
- Carrier-Supplied Medical Oxygen, Accessible In-Flight Entertainment Systems, Service Animals, and Accessible Lavatories on Single-Aisle Aircraft.

OST will also continue its efforts to help coordinate the activities of several operating administrations that advance various departmental efforts that support the Administration's initiatives on promoting safety, stimulating the economy and creating jobs, sustaining and building America's transportation infrastructure, and improving quality of life for the people and communities who use transportation systems subject to the Department's policies. It will also continue to oversee the Department's rulemaking actions to implement the ''Moving Ahead for Progress in the 21st Century Act'' (MAP–21).

Federal Aviation Administration (FAA)

The Federal Aviation Administration is charged with safely and efficiently operating and maintaining the most complex aviation system in the world. Destination 2025, an FAA initiative that captures the agency's vision of transforming the Nation's aviation system by 2025, has proven to be an effective tool for pushing the agency to think about longer-term aspirations; FAA has established a vision that defines the agency's priorities for the next five years. The changing technological and industry environment compels us to transform the agency. And the challenging fiscal environment we face only increases the need to prioritize our goals.

We have identified four major strategic initiatives where we will focus our efforts: (1) Risk-based Decision Making—Build on safety management principles to proactively address emerging safety risk by using consistent, data-informed approaches to make smarter, system-level, risk-based decisions; (2) NAS Initiative—Lay the foundation for the National Airspace System of the future by achieving prioritized NextGen benefits, enabling the safe and efficient integration of new user entrants including Unmanned Aircraft Systems (UAS) and Commercial Space flights, and deliver more efficient, streamlined air traffic management services; (3) Global Leadership—Improve safety, air traffic efficiency, and environmental sustainability across the globe through an integrated, data-driven approach that shapes global standards, enhances collaboration and harmonization, and better targets FAA resources and efforts; and (4) Workforce of the Future—Prepare FAA's human capital for the future, by identifying, recruiting, and training a workforce with the leadership, technical, and functional skills to ensure the U.S. has the world's safest and most productive aviation sector.

FAA activities that may lead to rulemaking in Fiscal Year 2015 include continuing to:

- Promote and expand safety information-sharing efforts, such as FAA-industry partnerships and data-driven safety programs that prioritize and address risks before they lead to accidents. Specifically, FAA will continue implementing Commercial

Aviation Safety Team projects related to controlled flight into terrain, loss of control of an aircraft, uncontained engine failures, runway incursions, weather, pilot decision making, and cabin safety. Some of these projects may result in rulemaking and guidance materials.

• Respond to the FAA Modernization and Reform Act of 2012 (the Act) which directed the FAA to initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS–B In technology and recommendations from an Aviation Rulemaking Committee on ADS–B-In capabilities in consideration of the FAA's evolving thinking on how to provide an integrated suite of communication, navigation, and surveillance (CNS) capabilities to achieve full NextGen performance.

• Respond to the Act which also recommended we complete the rulemaking for small Unmanned Aircraft Systems, and consider how to fully integrate UAS operations in the NAS, which will require future rulemaking.

• Respond to the Airline Safety and Federal Aviation Administration Extension Act of 2010 (H.R. 5900) which requires the FAA to develop and implement Safety Management Systems (SMS) where these systems will improve safety of aviation and aviation-related activities. An SMS proactively identifies potential hazards in the operating environment, analyzes the risks of those hazards, and encourages mitigation prior to an accident or incident. In its most general form, an SMS is a set of decision-making tools that can be used to plan, organize, direct, and control activities in a manner that enhances safety.

• Respond to the Small Airplane Revitalization Act of 2013 (H.R. 1848) which requires the FAA adopt the recommendations from Part 23 Reorganization Aviation Rulemaking Aviation Rulemaking Committee (ARC) for improving safety and reducing certification costs for general aviation. The ARC recommendations include a broad range of policy and regulatory changes that it believes could significantly improve the safety of general aviation aircraft while simultaneously reducing certification and modification costs for these aircraft. Among the ARC's recommendations is a suggestion that compliance with part 23 requirements be performance-based, focusing on the complexity and performance of an aircraft instead of the current regulations based on weight and type of propulsion. In announcing the ARC's recommendations, the Transportation Secretary said ''Streamlining the design and certification process could provide a cost-efficient way to build simple airplanes that still incorporate the latest in safety initiatives. These changes have the potential to save money and maintain our safety standing—a win-win situation for manufacturers, pilots and the general aviation community as a whole.''

• Work cooperatively to harmonize the U.S. aviation regulations with those of other countries, without compromising rigorous safety standards, or our requirements to develop cost benefit analysis. The differences worldwide in certification standards, practice and procedures, and operating rules must be identified and minimized to reduce the regulatory burden on the international aviation system. The differences between the FAA regulations and the requirements of other nations impose a heavy burden on U.S. aircraft manufacturers and operators, some of which are small businesses. Standardization should help the U.S. aerospace industry remain internationally competitive. The FAA continues to publish regulations based on internal analysis, public comment, and recommendations of Aviation Rulemaking Committees that are the result of cooperative rulemaking between the U.S. and other countries.

• In response to Executive Order 13610 ''*Identifying and Reducing Regulatory Burdens,*'' we continue to find ways to make our regulatory program more effective or less burdensome; provide quantifiable monetary savings or quantifiable reductions in paperwork burdens, and modify and streamline regulations in light of changed circumstances. One example is our response to a petition for exemption from the Aircraft Owners and Pilots Association and Experimental Aircraft Association (AOPA–EAA) in which we will address through rulemaking to consider medical self-certification for certain noncommercial operations in lieu of airman medical certification.

FAA top regulatory priorities for Fiscal Year 2015 include:

• Operation and Certification of Small Unmanned Aircraft Systems (2120–AJ60) (Pub. L. 112–95 (Feb. 14, 2012))

• Pilot Records Database (2120–AK31) (Pub. L. 111–216 (Aug. 1, 2010))

• Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States (2120–AK09) (Pub. L. 112–95 (Feb. 14, 2012))

• Congestion Management for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport (2120–AJ89)

• Safety Management System for Certificate Holders Operating Under 14 CFR part 121 (2120–AJ86) (Pub. L. 111–216, sec 215 (Aug. 1, 2010))

The Operation and Certification of Small Unmanned Aircraft Systems rulemaking would:

• Adopt specific rules for the operation of small unmanned aircraft systems in the national airspace system; and

• Address the classification of small unmanned aircraft, certification of their pilots and visual observers, registration, approval of operations, and operational limits.

The Pilot Records Database rulemaking would:

• Implement a pilot records database into which the FAA, air carriers, and other persons that employ pilots would enter records; and

• Require air carriers operating under 14 CFR parts 121 and 135 access the pilot records database electronically and evaluate the available data for each individual pilot candidate before allowing that individual to serve as a required pilot flightcrew member.

The Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States rulemaking would:

• Require certain air carriers to ensure that all employees of certificated repair stations, and certain other maintenance organizations that are located outside the United States, who perform safety-sensitive maintenance functions on aircraft operated by those air carriers, are subject to a drug and alcohol testing program; and

• Require the drug and alcohol testing program be determined acceptable by the FAA Administrator, and be consistent with the applicable laws of the country in which the repair station is located.

The Congestion Management rulemaking for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport would:

• Replace the orders limiting scheduled operations at John F. Kennedy International Airport (JFK), limiting scheduled operations at Newark Liberty International Airport (EWR), and limiting scheduled and unscheduled operations at LaGuardia Airport (LGA); and

• Provide a longer-term and comprehensive approach to slot management at JFK, EWR, and LGA.

The Safety Management System for Certificate Holders Operating under 14 CFR part 121 rulemaking would:

• Require certain certificate holders to develop and implement an SMS;

• Establish a general framework from which a certificate holder can build its SMS; and Conform to International Civil Aviation Organization Annexes and adopt several National Transportation Safety Board recommendations.

Federal Highway Administration (FHWA)

The Federal Highway Administration (FHWA) carries out the Federal highway program in partnership with State and local agencies to meet the Nation's transportation needs. The FHWA's mission is to improve continually the quality and performance of our Nation's highway system and its intermodal connectors.

Consistent with this mission, the FHWA will continue:

• With ongoing regulatory initiatives in support of its surface transportation programs;

• To implement legislation in the most cost-effective way possible; and

• To pursue regulatory reform in areas where project development can be streamlined or accelerated, duplicative requirements can be consolidated, recordkeeping requirements can be reduced or simplified, and the decisionmaking authority of our State and local partners can be increased.

• MAP–21 authorizes the Federal surface transportation programs for highways, highway safety, and transit for the two-year period from 2012–2014. The FHWA has analyzed MAP–21 to identify congressionally directed rulemakings. These rulemakings will be the FHWA's top regulatory priorities for the coming year. Additionally, the FHWA is in the process of reviewing all FHWA regulations to ensure that they are consistent with MAP–21 and will update those regulations that are not consistent with the recently enacted legislation.

• During Fiscal Year 2015, FHWA will continue its focus on improving the quality and performance of our Nation's highway systems by creating national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP–21 under the following rulemaking initiatives:

• National Goals and Performance Management Measures (Safety) (RIN: 2125–AF49)

• National Goals and Performance Management Measures (Bridges and Pavement) (RIN: 2125–AF53)

• National Goals and Performance Management Measures (Congestion Reduction, CMAQ, Freight, and Performance of Interstate/Non-Interstate NHS) (RIN: 2125–AF54).

Federal Motor Carrier Safety Administration (FMCSA)

The mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries, and fatalities involving commercial trucks and buses. A strong regulatory program is a cornerstone of FMCSA's compliance and enforcement efforts to advance this safety mission. FMCSA develops new and more effective safety regulations based on three core priorities: Raising the safety bar for entry, maintaining high standards, and removing high-risk behavior. In addition to Agency-directed regulations, FMCSA develops regulations mandated by Congress, through legislation such as MAP–21 and the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). FMCSA regulations establish standards for motor carriers, commercial drivers, commercial motor vehicles, and State agencies receiving certain motor carrier safety grants and issuing commercial drivers' licenses.

FMCSA's regulatory plan for FY 2015 includes completion of a number of rulemakings that are high priorities for the Agency because they would have a positive impact on safety. Among the rulemakings included in the plan are: (1) Electronic Logging Devices (RIN 2126–AB20), (2) Carrier Safety Fitness Determination (RIN 2126–AB11), and (3) Commercial Driver's License Drug and Alcohol Clearinghouse (RIN 2126–AB18).

Together, these priority rules could help to substantially improve commercial motor vehicle (CMV) safety on our Nation's highways by improving FMCSA's ability to provide safety oversight of motor carriers and commercial drivers.

In FY 2015, FMCSA plans to issue a final rule on Electronic Logging Devices (RIN 2126–AB20) to establish: (1) Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); (2) requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); (3) requirements concerning HOS supporting documents; and (4) measures to address concerns about harassment resulting from the mandatory use of ELDs.

In FY 2015, FMCSA will continue its work on the Compliance, Safety, Accountability (CSA) program. The CSA program improves the way FMCSA identifies and conducts carrier compliance and enforcement operations. CSA's goal is to improve large truck and bus safety by assessing a wider range of safety performance data from a larger segment of the motor carrier industry through an array of progressive compliance interventions. FMCSA anticipates that the impacts of CSA interventions and an associated rulemaking to put into place a new safety fitness determination standard will enable the Agency to prohibit ''unfit'' carriers from operating on the Nation's highways (the Carrier Safety Fitness Determination(RIN 2126–AB11)) and will contribute further to the Agency's overall goal of decreasing CMV-related fatalities and injuries.

Also in FY 2015, FMCSA plans to issue a final rule on the Commercial Driver's License Drug and Alcohol Clearinghouse (RIN 2126–AB18). The rule would establish a clearinghouse requiring employers and service agents to report information about current and prospective employees' drug and alcohol test results. It would also require employers and certain service agents to search the Clearinghouse for current and prospective employees' positive drug and alcohol test results as a condition of permitting those employees to perform safety-sensitive functions. This would provide FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before resuming safety-sensitive functions.

National Highway Traffic Safety Administration

The statutory responsibilities of the National Highway Traffic Safety Administration (NHTSA) relating to motor vehicles include reducing the number of, and mitigating the effects of, motor vehicle crashes and related fatalities and injuries; providing safety performance information to aid prospective purchasers of vehicles, child restraints, and tires; and improving automotive fuel efficiency. NHTSA pursues policies that encourage the development of nonregulatory approaches when feasible in meeting its statutory mandates. It issues new standards and regulations or amendments to existing standards and regulations when appropriate. It ensures that regulatory alternatives reflect a careful assessment of the problem and a comprehensive analysis of the benefits, costs, and other impacts associated with

the proposed regulatory action. Finally, it considers alternatives consistent with the Administration's regulatory principles.

NHTSA continues to focus on the high-priority safety issue of heavy vehicles and their occupants in Fiscal Year 2015, including combination truck tractors, large buses, and motorcoaches. The agency will continue work towards considering promulgation of a new Federal motor vehicle safety standard (FMVSS) for rollover structural integrity requirements for newly manufactured motorcoaches in accordance with NHTSA's 2007 Motorcoach Safety Plan, DOT's 2009 departmental Motorcoach Safety Action Plan as revised in 2012, and requirements of MAP–21. NHTSA will also issue a final rule to promulgate a new FMVSS for electronic stability control systems for motor coaches and truck tractors. This final rule is mandated by the MAP–21 Act. Together, these rulemaking actions will address multiple open recommendations issued by the National Transportation Safety Board related to motorcoach safety. NHTSA, in conjunction with the Environmental Protection Agency, will publish a notice of proposed rulemaking (NPRM) in Fiscal Year 2015 to address phase two of fuel efficiency standards for medium- and heavy-duty on-highway vehicles and work trucks for model years beyond 2018. This NPRM will be responsive to requirements of the Energy Independence and Security Act of 2007 as well as the President's Climate Action Plan.

In Fiscal Year 2015, NHTSA plans to issue a final rule that would establish a new FMVSS to provide a means of alerting blind and other pedestrians of motor vehicle operation. This rulemaking is mandated by the Pedestrian Safety Enhancement Act of 2010 to further enhance the safety of passenger vehicles and pedestrians. NHTSA will also continue work toward a NPRM on vehicle-to-vehicle (V2V) communications. V2V communications is currently perceived to become a foundational aspect of vehicle automation.

In addition to numerous programs that focus on the safe performance of motor vehicles, the Agency is engaged in a variety of programs to improve driver and occupant behavior. These programs emphasize the human aspects of motor vehicle safety and recognize the important role of the States in this common pursuit. NHTSA has identified two high-priority areas: Safety belt use and impaired driving. To address these issue areas, the Agency is focusing especially on three strategies—conducting highly visible, well-publicized enforcement; supporting prosecutors who handle impaired driving cases and expanding the use of DWI/Drug Courts, which hold offenders accountable for receiving and completing treatment for alcohol abuse and dependency; and adopting alcohol screening and brief intervention by medical and health care professionals. Other behavioral efforts encourage child safety-seat use; combat excessive speed and aggressive driving; improve motorcycle, bicycle, and pedestrian safety; and provide consumer information to the public.

Federal Railroad Administration (FRA)

FRA's current regulatory program reflects a number of pending proceedings to satisfy mandates resulting from the Rail Safety Improvement Act of 2008 (RSIA08), and the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), as well as actions under its general safety rulemaking authority and actions supporting a high-performing passenger rail network. RSIA08 alone has required 21 rulemaking actions, 16 of which have been completed. FRA continues to prioritize its rulemakings according to the greatest effect on safety while promoting economic growth, innovation, competitiveness, and job creation, as well as expressed congressional interest, while working to complete as many mandated rulemakings as quickly as possible.

Through the Railroad Safety Advisory Committee (RSAC), FRA is working to complete RSIA08 actions, including developing requirements related to the creation and implementation of railroad risk reduction and system safety programs, and an RSAC working group has developed recommendations for the fatigue management provisions related to both proceedings. FRA is also in the process of producing two regulatory actions related to the transportation of crude oil and ethanol by rail, focusing on the securement of equipment and appropriate crew size requirements when transporting such commodities. FRA's crew size activity will also address other freight and passenger operations to ensure FRA will have appropriate oversight if a railroad chooses to alter its standard method of operation. In addition, FRA continues to prepare a final rule amending its regulations related to roadway workers and is developing other RSAC-supported actions that advance high-performing passenger rail such as proposed rules on standards for alternative compliance with FRA's Passenger Equipment Safety Standards.

Federal Transit Administration (FTA)

FTA helps communities support public transportation by making grants of Federal funding for transit vehicles, construction of transit facilities, and planning and operation of transit and other transit-related purposes. FTA regulatory activity implements the laws that apply to recipients' uses of Federal funding and the terms and conditions of FTA grant awards. FTA policy regarding regulations is to:

- Ensure the safety of public transportation systems.
- Provide maximum benefit to the mobility of the Nation's citizens and the connectivity of transportation infrastructure;
- Provide maximum local discretion;
- Ensure the most productive use of limited Federal resources;
- Protect taxpayer investments in public transportation;
- Incorporate principles of sound management into the grant management process.

As the needs for public transportation have changed over the years, the Federal transit programs have grown in number and complexity often requiring implementation through the rulemaking process. In fact, FTA is currently implementing many of its public transportation programs authorized under MAP–21 through the regulatory process. To that end, FTA's regulatory priorities include implementing certain requirements of the newly authorized Public Transportation Safety Program (49 U.S.C. 5329), such as the National Public Transportation Safety Plan, implementing requirements for Transit Asset Management Systems (49 U.S.C. 5326), amending the State Safety Oversight rule (49 CFR part 659). In addition FTA is finalizing its Emergency Relief rule, which implements FTA's new authority to assist transit agencies responding to major disasters.

Maritime Administration (MARAD)

The Maritime Administration (MARAD) administers Federal laws and programs to improve and strengthen the maritime transportation system to meet the economic, environmental, and security needs of the Nation. To that end, MARAD's efforts are focused upon ensuring a strong American presence in the domestic and international trades and to expanding maritime opportunities for American businesses and workers.

MARAD's regulatory objectives and priorities reflect the agency's responsibility for ensuring the availability of water transportation services for American shippers and

consumers and, in times of war or national emergency, for the U.S. armed forces. Major program areas include the following: Maritime Security, Voluntary Intermodal Sealift Agreement, National Defense Reserve Fleet and the Ready Reserve Force, Cargo Preference, Maritime Guaranteed Loan Financing, United States Merchant Marine Academy, Mariner Education and Training Support, Deepwater Port Licensing, and Port and Intermodal Development. Additionally, MARAD administers the Small Shipyard Grants Program through which equipment and technical skills training are provided to America's maritime workforce, with the aim of helping businesses to compete in the global marketplace while creating well-paying jobs at home.

MARAD's primary regulatory activities in Fiscal Year 2015 will be to continue the update of existing regulations as part of the Department's Retrospective Regulatory Review effort, and to propose new regulations where appropriate.

Pipeline and Hazardous Materials Safety Administration (PHMSA)

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has responsibility for rulemaking under two programs. Through the Associate Administrator for Hazardous Materials Safety, PHMSA administers regulatory programs under Federal hazardous materials transportation law and the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990. Through the Associate Administrator for Pipeline Safety, PHMSA administers regulatory programs under the Federal pipeline safety laws and the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990.

The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 included a number of rulemaking studies and mandates and additional enforcement authorities that continue to impact PHMSA's regulatory activities in Fiscal Year 2015.[1]

MAP–21 reauthorized the hazardous materials safety program and required several regulatory actions by PHMSA. MAP–21 placed a great deal of emphasis on the procedures for issuing special permits and the incorporation of special permits into regulations. Persons who offer for transportation or transport hazardous materials in commerce must follow the hazardous materials regulations. A special permit sets forth alternative requirements, or variances, to the requirements in the HMR. Federal hazardous materials transportation law authorizes PHMSA to issue such variances in a way that achieves a safety level that is at least equal to the safety level required under Federal hazmat law or is consistent with the public interest if a required safety level does not exist. A rulemaking was required within two years by MAP–21 to set out procedures and criteria for evaluating applications for special permits and approvals. In addition, MAP–21 required PHMSA to conduct a review of nearly 1,200 existing special permits and issue another rulemaking within three years to incorporate special permits that have been in continuous effect for a ten-year period into the HMR.

PHMSA will continue to work toward improving safety related to transportation of hazardous materials by all transportation modes, including pipeline, while promoting economic growth, innovation, competitiveness, and job creation. We will concentrate on the prevention of high-risk incidents identified through the findings of the National Transportation Safety Board (NTSB) and PHMSA's evaluation of transportation incident data. PHMSA will use all available Agency tools to assess data; evaluate alternative safety strategies, including regulatory strategies as necessary and appropriate; target enforcement efforts; and enhance outreach, public education, and training to promote safety outcomes.

PHMSA will continue to focus on the streamlining of its regulatory system and reducing regulatory burdens. PHMSA will evaluate existing rules to examine whether they remain justified; should be modified to account for changing circumstances and technologies; or should be streamlined or even repealed. PHMSA will continue to evaluate, analyze, and be responsive to petitions for rulemaking. PHMSA will review regulations, letters of interpretation, petitions for rulemaking, special permits, enforcement actions, approvals, and international standards to identify inconsistencies, outdated provisions, and barriers to regulatory compliance.

PHMSA aims to reduce the risks related to the transportation of hazardous materials by rail. Preventing tank car incidents and minimizing the consequences when an incident does occur are not only DOT priorities, but are also shared by the National Transportation Safety Board (NTSB), industry, and the general public. Expansion in United States energy production has led to significant challenges in the transportation system. Expansion in oil production has led to increasing volumes of product transported to refineries. With a growing domestic supply, rail transportation, in particular, has emerged as an alternative to transportation by pipeline or vessel. The growing reliance on trains to transport large volumes of flammable liquids raises risks that have been highlighted by the recent instances of trains carrying crude oil that have derailed. PHMSA and FRA issued a Notice of Proposed Rulemaking (79 FR 45016) designed to lessen the frequency and consequences of train accidents/incidents (train accidents) involving certain trains transporting a large volume of flammable liquids. In addition, PHMSA and FRA issued an Advanced Notice of Proposed Rulemaking (79 FR 45079) seeking comment on potential revisions to its regulations that would expand the applicability of comprehensive oil spill response plans (OSRPs) for crude oil trains. PHMSA will continue to usher these rules to completion and PHMSA may consider further regulatory changes to enhance rail safety through enhanced operational requirements; improvements in tank car standards; and revisions of the general requirements for rail transport.

PHMSA will be considering whether changes are needed to the regulations covering hazardous liquid onshore pipelines. In particular, PHMSA will be considering if other areas should be included as High Consequence Areas (HCAs) for integrity management (IM) protections, what the repair timeframes should be for areas outside the HCAs that are assessed as part of the IM program, whether leak detection standards are necessary, valve spacing requirements are needed on new construction or existing pipelines, and if PHMSA should extend regulation to certain pipelines currently exempt from regulation. The agency would also address the public safety and environmental aspects any new requirements, as well as the cost implications and regulatory burden.

[1] *http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_7FD46010F0497123865B976479CFF3952E990200/filename/Pipeline%20Reauthorization%20Bill%202011.pdf.*

QUANTIFIABLE COSTS AND BENEFITS OF RULEMAKINGS ON THE 2014 TO 2015 DOT REGULATORY PLAN

[This chart does not account for non-quantifiable benefits, which are often substantial]

Agency/RIN Number	Title	Stage	Quantifiable costs discounted 2013 $ (millions)	Quantifiable benefits discounted 2013 $ (millions)
FAA				
2120–AJ60	Small Unmanned Aircraft Systems	NPRM 01/15	TBD	TBD
2120–AJ86	SMS for part 121	FR 11/14	$135.1	$142.8
2120–AJ89	NY Congestion Management	NPRM 11/14	48.2	67.8
2120–AK09	Drug and Alcohol Testing	ANPRM: Analyzing Comments 02/15.	TBD	TBD
2120–AK31	Pilot Records Database	NPRM 10/15	TBD	TBD
Total for FAA			183.3	210.6
FHWA				
2125–AF53	Performance Management 2	NPRM 11/14	TBD	TBD
2125–AF54	Performance Management 3	NPRM 03/15	TBD	TBD
Total for FHWA.			TBD	TBD
FMCSA				
2126–AB11	Carrier Safety Fitness Determination	NPRM 04/15	15	249
2126–AB18	Commercial Driver's License Drug and Alcohol Clearinghouse.	FR 10/15	186	187
2126–AB20	Electronic On-Board Recorders and Hours of Service Supporting Documents.	FR 09/15	1,578	2,033
Total for FMCSA.			1,745	2,361
NHTSA				
2127–AK93	Quieter Vehicles Sound Alert	FR 11/15	24.1	154.3
2127–AK97	Electronic Stability Control Systems for Heavy Vehicles.	FR 01/15	119.6	282.6–445.6
2127–AL52	Fuel Efficiency Standards for Medium- and Heavy-Duty Vehicles and Work Trucks: Phase 2.	NPRM 03/15	TBD	TBD
Total for NHTSA.			143.7	436.9–599.9
FTA				
2132–AB19	State Safety Oversight (MAP–21)	NPRM 01/15	TBD	TBD
Total for FTA			TBD	TBD
PHMSA				
2137–AE66	Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines.	NPRM 01/15	TBD	TBD
2137–AE72	Pipeline Safety: Gas Transmission (RRR)	NPRM 01/15	TBD	TBD
2137–AE91	Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains.	Final Rule 03/15	2,083 to 5,820	400 to 4,386
Total for PHMSA.			2,083 to 5,820	400 to 4,386
TOTAL FOR DOT.			4,155–7,892	3,408.5–7,394.5

Notes: Costs and benefits of rulemakings may be forecast over varying periods. Although the forecast periods will be the same for any given rulemaking, comparisons between proceedings should be made cautiously.

Costs and benefits are generally discounted at a 7 percent discount rate over the period analyzed.

The Department of Transportation generally assumes that there are economic benefits to avoiding a fatality of $9.2 million. That economic value is included as part of the benefits estimates shown in the chart. As noted above, we have not included the non-quantifiable benefits.

DOT—FEDERAL AVIATION ADMINISTRATION (FAA)

Proposed Rule Stage

104. + Operation and Certification of Small Unmanned Aircraft Systems (SUAS)

Priority: Other Significant.

Legal Authority: 49 U.S.C. 44701; Pub. L. 112–95

CFR Citation: 14 CFR 91.

Legal Deadline: Final, Statutory, August 14, 2014, Public Law 112–95, section 332(b) requires issuance of final rule 18 months after integration plan is submitted to Congress. Integration plan due Feb. 14, 2013.

Abstract: This rulemaking would adopt specific rules for the operation of small unmanned aircraft systems (sUAS) in the National Airspace System. These changes would address the classification of small unmanned aircraft, certification of their pilots and visual observers, registration, approval of operations, and operational limits in order to increase the safety and efficiency of the national airspace system.

Statement of Need: The FAA is proposing to amend its regulations to

adopt specific rules for the operation of small unmanned aircraft systems (sUAS) in the National Airspace System (NAS). These changes would address the classification of sUAS, certification of sUAS pilots and visual observers, registration of sUAS, approval of sUAS operations, and sUAS operational limits. The NPRM also proposes regulations for all sUAS, including operating standards for model aircraft and low performance (*e.g.,* toy) operations, to increase the safety and efficiency of the NAS. The FAA and sUAS community lack sufficient formal safety data regarding unmanned operations to support granting traditional, routine access to the NAS. This proposed rule would result in the regular collection of safety data from the user community and help the FAA develop new regulations and expand sUAS access to the NAS.

Summary of Legal Basis: This rulemaking is required by the FAA Modernization and Reform Act of 2012, Public Law 112–95, sec. 332(b). The FAA's authority to issue rules on aviation safety is found in Title 49 of the U.S. Code. Subtitle I, Section 106 describes the authority of the FAA Administrator, including the authority to issue, rescind, and revise regulations. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Title 49 U.S. Code Transportation. Pursuant to Subtitle I, Chapter 1, Sections 106(f)(2)(iii) and (3)(A), the Administrator is authorized to promulgate regulations, rules, orders, circulars, bulletins, and other publications of the Administrator, and to issue, rescind and revise such regulations as are necessary to carry out those functions. Subtitle VII, Part A, Subpart III, Chapter 447 Safety Regulation. Pursuant to section 44701 (a)(5), the FAA is charged with promoting safe flight of civil aircraft by, among other things, prescribing regulations the FAA finds necessary for safety in air commerce and national security.

Alternatives: This rulemaking is required by the FAA Modernization and Reform Act of 2012, Public Law 112–95, sec. 332(b). The FAA's authority to issue rules on aviation safety is found in Title 49 of the U.S. Code. Subtitle I, Section 106 describes the authority of the FAA Administrator, including the authority to issue, rescind, and revise regulations. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Title 49 U.S. Code Transportation. Pursuant to Subtitle I, Chapter 1, Sections 106(f)(2)(iii) and (3)(A), the Administrator is authorized to promulgate regulations, rules, orders, circulars, bulletins, and other publications of the Administrator, and to issue, rescind and revise such regulations as are necessary to carry out those functions. Subtitle VII, Part A, Subpart III, Chapter 447 Safety Regulation. Pursuant to section 44701 (a)(5), the FAA is charged with promoting safe flight of civil aircraft by, among other things, prescribing regulations the FAA finds necessary for safety in air commerce and national security.

Anticipated Cost and Benefits: Costs and benefits for this rulemaking are to be determined.

Risks: Commercial operations currently have no legal means to conduct operations. Due to the time and cost of traditional processes and without new regulations, commercial operations will not be able to operate until the necessary standards are developed by the UAS community.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Lance Nuckolls, Certification and General Aviation Operations, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, *Phone:* 202–267–8212, *Email:* *lance.nuckolls@faa.gov.*

RIN: 2120–AJ60

DOT—FAA

105. + Slot Management and Transparency for Laguardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport

Priority: Other Significant.

Legal Authority: 49 U.S.C. 40101, 40103, and 40105; 49 U.S.C. 41712; 15 U.S.C. 21

CFR Citation: 14 CFR 93.

Legal Deadline: None.

Abstract: This rulemaking would replace the current temporary orders limiting scheduled operations at LaGuardia Airport (LGA), John F. Kennedy International Airport (JFK), and Newark Liberty International Airport (EWR) with a more permanent rule to address the issues of congestion and delay at the New York area´s three major commercial airports, while also promoting fair access and competition. The rulemaking would help ensure that congestion and delays are managed by limiting scheduled and unscheduled operations. The rulemaking would also establish a secondary market for U.S. and foreign air carriers to buy, sell, trade, and lease slots amongst each other at each of the three airports. This would allow carriers serving or seeking to serve the New York area airports to exchange slots as their business models and strategic goals require.

Statement of Need: This rulemaking would replace the current temporary orders limiting scheduled operations at LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport with a more permanent rule to address the issues of congestion and delay at the New York area's three major commercial airports, while also promoting fair access and competition. The rulemaking would help ensure that congestion and delays are managed by limiting scheduled and unscheduled operations. The rulemaking would also establish a secondary market for U.S. and foreign air carriers to buy, sell, trade, and lease slots amongst each other at each of the three airports. This would allow carriers serving or seeking to serve the New York area airports to exchange slots as their business models and strategic goals require.

Summary of Legal Basis: This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, sections 40101, 40103, 40105, and 41712. The Secretary of Transportation (Secretary) is the head of the DOT and has broad oversight of significant FAA decisions. See 49 U.S.C. 102 and 106. In addition, under 49 U.S.C. 41712, the Secretary has the authority to investigate and prohibit unfair and deceptive practices, and unfair methods of competition in air transportation, or the sale of air transportation. The FAA has broad authority under 49 U.S.C. 40103 to regulate the use of the navigable airspace of the United States. This section authorizes the FAA to develop plans and policy for the use of navigable airspace, and to assign the use the FAA deems necessary for safe and efficient utilization. It further directs the FAA to prescribe air traffic rules and regulations governing the efficient utilization of

navigable airspace. Not only is the FAA required to ensure the efficient use of navigable airspace, but it must do so in a manner that does not effectively shut out potential operators at the airport, and in a manner that acknowledges competitive market forces. These authorities empower the DOT to ensure the efficient utilization of airspace by limiting the number of scheduled and unscheduled aircraft operations at JFK, EWR, and LGA, while balancing between promoting competition and recognizing historical investments in the airport, and the need to provide continuity. They also authorize the DOT to investigate the transfer of slots and to limit or prohibit anticompetitive transfers.

Alternatives: The FAA considered two alternatives. The first alternative was to simply extend the existing orders. This alternative was rejected because the FAA wanted to increase competition by making slots available to more operators. The FAA believes these operators are likely to be small entities. The second alternative was to remove the existing orders. This alternative results in unacceptable delay costs from the increase in operations.

Anticipated Cost and Benefits: The FAA estimates the quantitative costs to be $48.2 million and the quantitative benefits are estimated at $67.8 million, with the benefits exceeding the costs. This is a preliminary estimate that is subject to change based on further review and analysis.

Risks: There are no risks for this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: This rulemaking is associated with an RRR action.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Molly W Smith, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, *Phone:* 202–267–3344 *Email: molly.w.smith@faa.gov.*

RIN: 2120–AJ89

DOT—FAA

106. + Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States

Priority: Other Significant.

Legal Authority: 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

CFR Citation: 14 CFR 145.

Legal Deadline: NPRM, Statutory, February 14, 2013, NPRM.

Abstract: This rulemaking is required by the FAA Modernization and Reauthorization Act of 2012. It would require controlled substance testing of some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public.

Statement of Need: As a project identified under congressional mandate, the intended effect of this rulemaking would be to promote drug and alcohol testing standardization within the global aviation community in an effort to reach an increased level of safety for the flying public around the world.

Summary of Legal Basis: The FAA Modernization and Reform Act of 2012 provides the legal basis for this rulemaking. In February 2012 the U.S. Congress passed the FAA Modernization and Reform Act of 2012. Section 308(d)(2) of the Act requires that the FAA promulgate a proposed rule that requires all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 commercial air carriers aircraft to be subject to an alcohol and controlled substances testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

Alternatives: Our alternatives would be to work with other aviation leaders (*e.g.* International Civil Aviation Organization—ICAO) and develop a collective initiative to foster a drug and alcohol-free worldwide environment. The FAA Modernization and Reform Act of 2012, does articulate the idea that the Secretaries of State and Transportation work with ICAO and establish international standards to test for drug and alcohol use of employees performing safety-sensitive maintenance functions on commercial air carrier aircraft.

Anticipated Cost and Benefits: Our alternatives would be to work with other aviation leaders (*e.g.* International Civil Aviation Organization—ICAO) and develop a collective initiative to foster a drug and alcohol-free worldwide environment. The FAA Modernization and Reform Act of 2012, does articulate the idea that the Secretaries of State and Transportation work with ICAO and establish international standards to test for drug and alcohol use of employees performing safety-sensitive maintenance functions on commercial air carrier aircraft.

Risks: International implications are the risks.

Timetable:

Action	Date	FR Cite
ANPRM	03/17/14	79 FR 14621
Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
Comment Period End.	07/17/14	
Analyzing Comments.	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Vicky Dunne, Department of Transportation, Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, *Phone:* 202 267–8522, *Email: vicky.dunne@faa.gov.*

RIN: 2120–AK09

DOT—FAA

107. + Pilot Records Database (HR 5900)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44705; 49 U.S.C. 44709 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722;

49 U.S.C. 45101 to 45105; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531

CFR Citation: 14 CFR 118; 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 91.

Legal Deadline: None.

Abstract: This rulemaking would implement a Pilot Records Database as required by Public Law 111–216 (Aug. 1, 2010). Section 203 amends the Pilot Records Improvement Act (PRIA) by requiring the FAA to create a pilot records database that contains various types of pilot records. These records would be provided by the FAA, air carriers, and other persons who employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Statement of Need: This rule implements a Pilot Records Database as required by Public Law 111–216. Section 203 of Public Law 111–216 amends the Pilot Records Improvement Act (PRIA) by requiring the FAA to create a pilot records database that contains various types of pilot records. These records would be provided by the FAA, air carriers, and other persons who employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Summary of Legal Basis: The legal basis for this rule is section 203 of the Airline Safety and Federal Aviation Administration Extension Act of 2010, Public Law 111–216, 124 Statute 2348 (2010).

Alternatives: The ARC proposed a phased implementation as an alternative to PRDs statutory requirement to enter all historical records dating from August 1, 2005. Instead, within 60 days after the PRD launch date, air carriers and other persons would provide only the names, certificate numbers, and dates of birth of employees dating from the PRD launch date back to August 1, 2005. This information would be used to identify a pilot applicant's previous employer(s). The hiring air carrier would then make a paper PRIA request to those previous employers to obtain any records from before the launch date of PRD.

Anticipated Cost and Benefits: The Rulemaking Team believes that three methods of data entry would allow larger air carriers to take advantage of technology, thereby reducing costs, while allowing smaller air carriers the flexibility to enter data manually without the need for an information technology department and sophisticated computer knowledge.

Risks: Any risk mitigation technique used to counter this additional security threat would significantly add to the time and cost required for the FAA to properly manage the air carrier user accounts and likely delay air carrier access to the PRD data. Several options were explored that would simultaneously provide appropriate security controls to protect unauthorized access to sensitive data while not impeding the air carriers from ready access to the PRD data.

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Additional Information: Costs and benefits are not yet determined.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

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RIN: 2120–AK31

DOT—FAA

Final Rule Stage

108. + Safety Management Systems for Certificate Holders

Priority: Other Significant.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44717; 49 U.S.C. 44722; 49 U.S.C. 46105; Pub. L. 111–216, sec 215

CFR Citation: 14 CFR 121; 14 CFR 5.

Legal Deadline: Final, Statutory, July 30, 2012, Final Rule. NPRM, Statutory, October 29, 2010, NPRM. Congress passed Public Law 111–216 that instructs FAA to conduct a rulemaking to require all part 121 air carriers to implement a Safety Management System (SMS). This Act further states that the FAA shall consider at a minimum each of the following as part of the SMS rulemaking: (1) an Aviation Safety Action Program (ASAP); (2) a Flight Operations Quality Assurance Program (FOQA); (3) a Line Operations Safety Audit (LOSA); and (4) an Advance Qualifications Program.

Abstract: This rulemaking would require each certificate holder operating under 14 CFR part 121 to develop and implement a safety management system (SMS) to improve the safety of its aviation related activities. A safety management system is a comprehensive, process-oriented approach to managing safety throughout an organization. An SMS includes an organization-wide safety policy; formal methods for identifying hazards, controlling, and continually assessing risk and safety performance; and promotion of a safety culture. SMS stresses not only compliance with technical standards but increased emphasis on the overall safety performance of the organization. This rulemaking is required under Public Law 111–216, section 215.

Statement of Need: This final rule requires each air carrier operating under 14 CFR part 121 to develop and implement a safety management system (SMS) to improve the safety of its aviation-related activities. SMS is a comprehensive, process-oriented approach to managing safety throughout an organization. SMS includes an organization-wide safety policy; formal methods for identifying hazards; controlling, and continually assessing risk and safety performance; and promotion of a safety culture. SMS stresses not only compliance with technical standards but also increased emphasis on the overall safety performance of the organization.

Summary of Legal Basis: The Federal Aviation Administration's (FAA) authority to issue rules on aviation safety is found in title 49 of the United States Code. This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security. In addition, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (the Act), Public Law 111–216, section 215 (August 1, 2010), required the FAA to conduct rulemaking to require all 14 CFR part 121 air carriers to implement a safety management system. The Act required the FAA to issue this final rule within 24 months of the passing of the Act (July 30, 2012).

Alternatives: To relieve the burden of this rule on small entities, the FAA considered extending the timeframe for development of SMS implementation

plans. However, the FAA ultimately concluded that 1 year for the development and approval of implementation plans is appropriate. In making this determination, the FAA considered longer and shorter terms. However, it settled on 1 year based on information from the SMS Pilot Project, which showed that an average of 1 year was sufficient to develop and approve an implementation plan. As part of its analysis, the FAA noted that pilot project participants ultimately had differing levels of SMS implementation. However, because all pilot project participants had initially developed (and received FAA validation on) an implementation plan that provided for full SMS implementation, the FAA was able to use this data to estimate how long it would take a certificate holder to develop such a plan, and get the plan approved by the FAA.

Anticipated Cost and Benefits: The FAA estimates the quantitative costs to be $135.1 million, and the quantitative benefits to be $142.8 million, with benefits exceeding costs.

Risks: While the commercial air carrier accident rate in the United States has decreased substantially over the past 10 years, the FAA has identified a recent trend involving hazards that were revealed during accident investigations. The FAA's Office of Accident Investigation and Prevention identified 128 accidents involving part 121 air carriers from fiscal year (FY) 2001 through FY 2010 for which identified causal factors could have been mitigated if air carriers had implemented an SMS to identify hazards in their operations and developed methods to control the risk. This type of approach allows air carriers to anticipate and mitigate the likely causes of potential accidents. This is a significant improvement over current reactive safety action emphasis, which focuses on discovering and mitigating the cause of an accident only after that accident has occurred. In order to bring about this change in accident mitigation, as well as the other reasons discussed throughout this document, the FAA is requiring part 121 air carriers to develop and implement an SMS. SMS is a comprehensive, process-oriented approach to managing safety throughout an organization, and stresses not only compliance with technical standards, but increased emphasis on the overall safety performance of the organization. The potential reduction of risks would be averted causalities, aircraft damage, and accident investigation costs by identifying safety issues and spotting trends before they result in a near-miss, incident, or accident.

Timetable:

Action	Date	FR Cite
NPRM	11/05/10	75 FR 68224
NPRM Comment Period Extended.	01/31/11	76 FR 5296
NPRM Comment Period End.	02/03/11	
Comment Period Extended.	03/07/11	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Scott VanBuren, Office of Accident Investigation and Prevention, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202 494–8417, *Email: scott.vanburen@faa.gov.*

Related RIN: Split from 2120–AJ15

RIN: 2120–AJ86

DOT—FEDERAL HIGHWAY ADMINISTRATION (FHWA)

Proposed Rule Stage

109. + National Goals and Performance Management Measures (MAP–21)

Priority: Other Significant.

Legal Authority: sec 1203 Pub. L. 112–141; 49 CFR 1.85

CFR Citation: Not Yet Determined.

Legal Deadline: NPRM, Statutory, April 1, 2014, NPRM.

Section 1203 of MAP–21 requires the Secretary to promulgate a rulemaking within 18 months after the date of enactment.

Abstract: This rulemaking would create national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP–21. This rulemaking would also establish the process to be used by States to set performance targets that reflect their performance measures. The FHWA anticipates issuing up to three rulemakings in this area. This rulemaking, number two, will cover the bridges and pavement.

Statement of Need: The Moving Ahead for Progress in the 21st Century Act (MAP–21) transforms the Federal-aid highway program by establishing new requirements for performance management to ensure the most efficient investment of Federal transportation funds. Performance management refocuses attention on national transportation goals, increases the accountability and transparency of the Federal-aid highway program, and improves project decisionmaking through performance-based planning and programming. This rulemaking is the second of 3 that would propose the establishment of performance measures for State DOTs and MPOs to use to carry out Federal-aid highway programs and to assess performance in each of the 12 areas mandated by MAP–21. This rulemaking would establish performance measures for State DOTs to use to carry out the National Highway Performance Program (NHPP) and to assess: condition of pavements on the National Highways System (NHS) (excluding the Interstate System), condition of pavements on the Interstate System, and condition of bridges on the NHS. This rulemaking would also propose the definitions that will be applicable to the new 23 CFR 490; the process to be used by State DOTs and MPOs to establish performance targets that reflect the measures proposed in this rulemaking; a methodology to be used to assess State DOTs' compliance with the target achievement provision specified under 23 U.S.C. 119(e)(7); and the process to be followed by State DOTs to report on progress towards the achievement of pavement and bridge condition-related performance targets.

Summary of Legal Basis: Section 1203 of MAP–21 requires the Secretary of Transportation to establish performance measures and standards through a rulemaking to assess performance in 12 areas.

Alternatives: N/A.

Anticipated Cost and Benefits: Not yet determined.

Risks: N/A.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Francine Shaw-Whitson, Department of Transportation, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington,

DC 20590, *Phone:* 202–366–8028, *Email: Francine.Shaw-whitson@dot.gov*.

RIN: 2125–AF53

DOT—FHWA

110. + National Goals and Performance Management Measures (MAP–21)

Priority: Other Significant.

Legal Authority: sec 1203, Pub. L. 112–141; 49 FR 1.85

CFR Citation: Not Yet Determined.

Legal Deadline: NPRM, Statutory, April 1, 2014, NPRM.

Section 1203 of MAP–21 requires the Secretary to promulgate a rulemaking within 18 months after the date of enactment.

Abstract: This rulemaking would create national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP–21. This rulemaking would also establish the process to be used by States to set performance targets that reflect their performance measures. The FHWA anticipates issuing up to three rulemakings in this area. This rulemaking covers Congestion Mitigation and Air Quality (CMAQ) and Freight issues.

Statement of Need: The Moving Ahead for Progress in the 21st Century Act (MAP–21) transforms the Federal-aid highway program by establishing new requirements for performance management to ensure the most efficient investment of Federal transportation funds. Performance management refocuses attention on national transportation goals, increases the accountability and transparency of the Federal-aid highway program, and improves project decisionmaking through performance-based planning and programming. This rulemaking is the third of 3 that would propose the establishment of performance measures for State DOTs and MPOs to use to carry out Federal-aid highway programs and to assess performance in each of the 12 areas mandated by MAP–21. This rulemaking would establish performance measures for State DOTs to use in the areas of Congestion Reduction, Congestion Mitigation and Air quality improvement program (CMAQ), Freight, and Performance of the Interstate/Non-Interstate National Highway System.

Summary of Legal Basis: Section 1203 of MAP–21 requires the Secretary of Transportation to establish performance measures and standards through a rulemaking to assess performance in 12 areas.

Alternatives: N/A.

Anticipated Cost and Benefits: Not yet determined.

Risks: N/A.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Francine Shaw-Whitson, Department of Transportation, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–8028, *Email: Francine.Shaw-whitson@dot.gov*.

RIN: 2125–AF54

DOT—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)

Proposed Rule Stage

111. + Carrier Safety Fitness Determination

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: sec 4009 of TEA–21

CFR Citation: 49 CFR 385.

Legal Deadline: None.

Abstract: FMCSA proposes to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to adopt revised methodologies that would result in a safety fitness determination (SFD). The proposed methodologies would determine when a motor carrier is not fit to operate commercial motor vehicles (CMVs) in or affecting interstate commerce based on (1) the carrier's performance in relation to five of the Agency's Behavioral Analysis and Safety Improvement Categories (BASICs); (2) an investigation; or (3) a combination of on-road safety data and investigation information. The intended effect of this action is to reduce crashes caused by CMV drivers and motor carriers, resulting in death, injuries, and property damage on U.S. highways, by more effectively using FMCSA data and resources to identify unfit motor carriers, and to remove them from the Nation's roadways.

Statement of Need: Because of the time and expense associated with the on-site compliance review, only a small fraction of carriers (approximately 12,000) receive a safety fitness determination each year. Since the current safety fitness determination process is based exclusively on the results of an on-site compliance review, the great majority of carriers subject to FMCSA jurisdiction do not receive a timely determination of their safety fitness. The proposed methodology for determining motor carrier safety fitness should correct the deficiencies of the current process. In correcting these deficiencies, FMCSA has made a concerted effort to develop a ''transparent'' method for the Safety Fitness Determination (SFD) that would allow each motor carrier to understand fully how FMCSA established that carrier's specific SFD.

Summary of Legal Basis: This rule is based primarily on the authority of 49 U.S.C. 31144, which directs the Secretary of Transportation to ''determine whether an owner or operator is fit to operate a commercial motor vehicle'' and to ''maintain by regulation a procedure for determining the safety fitness of an owner or operator.'' This statute was first enacted as part of the Motor Carrier Safety Act of 1984, section 215, Public Law 98–554, 98 Stat. 2844 (Oct. 30, 1984). The proposed rule also relies on the provisions of 49 U.S.C. 31133, which gives the Secretary ''broad administrative powers to assist in the implementation'' of the provisions of the Motor Carrier Safety Act now found in chapter 311 of title 49, U.S.C. These powers include, among others, authority to conduct inspections and investigations, compile statistics, require production of records and property, prescribe recordkeeping and reporting requirements, and to perform other acts considered appropriate. These powers are used to obtain the data used by the Safety Management System and by the proposed new methodology for safety fitness determinations. Under 49 CFR 1.73(g), the Secretary has delegated the authority to carry out the functions in subchapters I, III, and IV of chapter 311, title 49, U.S.C., to the FMCSA Administrator. Sections 31133 and 31144 are part of subchapter III of chapter 311.

Alternatives: The Agency has been considering several alternatives.

Anticipated Cost and Benefits: The Agency is continuing to review the estimated costs and benefits of the proposed rule.

Risks: A risk of incorrectly identifying a compliant carrier as non-compliant—and consequently subjecting the carrier to unnecessary expenses—has been analyzed and has been found to be

negligible under the process being proposed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: Undetermined.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: David Miller, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5370, *Email: fmcsaregs@dot.gov.*

RIN: 2126–AB11

DOT—FMCSA

112. + Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 49 U.S.C. 31502; 31136(a); Pub. L. 103.311; 49 U.S.C. 31137(a)

CFR Citation: 49 CFR 350; 49 CFR 385; 49 CFR 396; 49 CFR 395

Legal Deadline: NPRM, Judicial, January 31, 2011, Notice of Proposed Rulemaking.

NPRM, Statutory, October 1, 2013, MAP–21 requires FMCSA to issue a final rule by October 1, 2013, a deadline that FMCSA will not be able to meet, due to the need for notice and comment on these proposals.

Abstract: This rulemaking would establish: (1) Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); (2) requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); (3) requirements concerning HOS supporting documents; and (4) measures to address concerns about harassment resulting from the mandatory use of ELDs.

Statement of Need: This rulemaking action would improve commercial motor vehicle (CMV) safety and reduce the overall paperwork burden for both motor carriers and drivers by increasing the use of ELDs within the motor carrier industry, which would in turn improve compliance with the applicable Hours of Service (HOS) rules. Specifically, this rule would (1) Require new technical specifications for ELDs that address statutory requirements; (2) mandate ELDs for drivers currently using record of duty status; (3) clarify supporting document requirements so that motor carriers and drivers can comply efficiently with HOS regulations, and so that motor carriers can make the best use of ELDs and related support systems as their primary means of recording HOS information and ensure HOS compliance; and (4) adopt procedural and technical provisions aimed at ensuring that ELDs are not used to harass vehicle operators. The Agency published a Supplemental Notice of Proposed Rulemaking (SNPRM) on March 28, 2014, and the comment period ended on June 26, 2014.

Summary of Legal Basis: Section 113 of the Hazardous Materials Transportation Authorization Act of 1994, Public Law 103–311, 108 Stat. 1673, 16776–1677, August 26, 1994, (HMTAA) requires the Secretary to prescribe regulations to improve compliance by CMV drivers and motor carriers with HOS requirements and the effectiveness and efficiency of Federal and State enforcement officers reviewing such compliance. Specifically, the Act addresses requirements for supporting documents. Section 32301(b) of the Commercial Motor Vehicle Safety Enhancement Act, enacted as part of MAP–21 (Public Law 112–141, 126 Stat. 405, 786–788 (July 6, 2012), mandated that the Secretary adopt regulations requiring that CMVs involved in interstate commerce, operated by drivers who are required to keep RODS, be equipped with ELDs.

Alternatives: FMCSA is considering several alternatives to the proposal, including alternate populations.

Anticipated Cost and Benefits: FMCSA estimates costs of $1.6B and benefits of $2.0B for the rule, discounted at 7% in 2013 dollars.

Risks: FMCSA has not yet fully assessed the risks that might be associated with this activity.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5537
NPRM Comment Period End.	02/28/11	
NPRM Comment Period Extended.	03/10/11	76 FR 13121
NPRM Comment Period Extended End.	05/23/11	
SNPRM	03/28/14	79 FR 17656
SNPRM Comment Period End.	05/27/14	
SNPRM Analyzing Comments.	03/00/15	
Final Rule	09/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: The Agency previously published an NPRM on this subject under RIN 2126–AA76, ''Hours of Service of Drivers; Supporting Documents'' (63 FR 19457, Apr. 20, 1998) and an SNPRM, ''Hours of Service of Drivers: Supporting Documents'' (69 FR 63997, Nov. 3, 2004). The Agency withdrew the SNPRM on October 25, 2007, 72 FR 60614. The previous proceeding can be found in docket No. FMCSA–1998–3706.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5370, *Email: deborah.freund@dot.gov.*

Related RIN: Related to 2126–AA89, Related to 2126–AA76

RIN: 2126–AB20

DOT—FMCSA

Final Rule Stage

113. + Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: 49 U.S.C. 31306

CFR Citation: 49 CFR 382.

Legal Deadline: Other, Statutory, October 1, 2014, Clearinghouse required to be established by 10/01/2014.

Abstract: This rulemaking would create a central database for verified positive controlled substances and alcohol test results for commercial driver´s license (CDL) holders and refusals by such drivers to submit to

testing. This rulemaking would require employers of CDL holders and service agents to report positive test results and refusals to test into the Clearinghouse. Prospective employers, acting on an application for a CDL driver position with the applicant´s written consent to access the Clearinghouse, would query the Clearinghouse to determine if any specific information about the driver applicant is in the Clearinghouse before allowing the applicant to be hired and to drive CMVs. This rulemaking is intended to increase highway safety by ensuring CDL holders, who have tested positive or have refused to submit to testing, have completed the U.S. DOT´s return-to-duty process before driving CMVs in interstate or intrastate commerce. It is also intended to ensure that employers are meeting their drug and alcohol testing responsibilities. Additionally, provisions in this rulemaking would also be responsive to requirements of the Moving Ahead for Progress in the 21st Century (MAP–21) Act. MAP–21 requires creation of the Clearinghouse by 10/1/14.

Statement of Need: This rulemaking would improve the safety of the Nation's highways by ensuring that employers know when drivers test positive for drugs and/or alcohol, and are not qualified to drive. It would also ensure that drivers who have tested positive and have not completed the return-to-duty process are not driving, and ensure that all employers are meeting their drug and alcohol testing responsibilities.

Summary of Legal Basis: Section 32402 of the Moving Ahead for Progress in the 21st Century Act (MAP–21)) (Pub. L. 112–141, 126 Stat. 405) directs the Secretary of Transportation to establish a national clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators. In addition, FMCSA has general authority to promulgate safety standards, including those governing drivers' use of drugs or alcohol while operating a CMV. The Motor Carrier Safety Act of 1984 Public Law 98–554 (the 1984 Act) provides authority to regulate drivers, motor carriers, and vehicle equipment, and requires the Secretary of Transportation to prescribe minimum safety standards for CMVs. These standards include: (1) That CMVs are maintained, equipped loaded, and operated safely; (2) the responsibilities imposed on CMV operators do not impair their ability to operate the vehicles safely; (3) the physical condition of CMV operators is adequate to enable them to operate the vehicles safely; and (4) CMV operation does not have a deleterious effect on the physical condition of the operators 49 U.S.C. 31136(a).

Alternatives: To be determined.

Anticipated Cost and Benefits: The Agency estimates $187 million in annual benefits from increased crash reduction from the rule. This is against an estimated $155 million in total annual costs for employers to complete the annual and pre-employment queries and to designate C/TPAs, for SAPs to input information from drivers undergoing the return-to-duty process, for various entities to report and notify positive tests and to register and become familiar with the rule, for drivers to consent to release of records, and for FMCSA to maintain and operate the Clearinghouse, and for drivers to go through the return-to-duty process. Total net benefits of the rule thus are $32 million annually.

Risks: There is a risk of not knowing when a driver has not completed the return-to-duty process and enabling job-hopping within the industry.

Timetable:

Action	Date	FR Cite
NPRM	02/20/14	79 FR 9703
NPRM Comment Period End.	04/21/14	
NPRM Comment Period Extended.	04/22/14	79 FR 22467
NPRM Comment Period Extended End.	05/21/14	
Final Rule	09/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Additional Information: MAP–21 included provisions for a Drug and Alcohol Test Clearinghouse that affect this rulemaking.

URL for More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Juan Moya, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–4844, *Email: juan.moya@dot.gov*.

RIN: 2126–AB18

DOT—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA)

Proposed Rule Stage

114. +Fuel Efficiency Standards for Medium-and Heavy-Duty Vehicles and Work Trucks: Phase 2

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 32902(k)(2); 49 CFR 1.95

CFR Citation: 49 CFR 523; 49 CFR 534; 49 CFR 534.

Legal Deadline: None.

Abstract: This rulemaking would address fuel efficiency standards for medium- and heavy-duty on-highway vehicles and work trucks for model years beyond 2018. This rulemaking would respond to requirements of the Energy Independence and Security Act of 2007 (EISA), title 1, subtitle A, sections 102 and 108, as they amend 49 U.S.C. 32902, which was signed into law December 19, 2007. The statute requires that NHTSA establish a medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program that achieves the maximum feasible improvement, including standards that are appropriate, cost-effective, and technologically feasible. The law requires that the new standards provide at least 4 full model years of regulatory lead-time and 3 full model years of regulatory stability (*i.e.,* the standards must remain in effect for 3 years before they may be amended). This action would follow the first ever Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (Phase 1) (76 FR 57106, September 15, 2011). In June 2013, the President's Climate Action Plan called for the Department of Transportation to develop fuel efficiency standards and the Environmental Protection Agency to develop greenhouse gas emission standards in joint rulemaking within the President's second term. In February 2014, the President directed DOT and EPA to complete the second phase of Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles during his second term.

Statement of Need: Setting fuel consumption standards for commercial medium-duty and heavy-duty on-highway vehicles and work trucks will reduce fuel consumption, and will thereby improve U.S. energy security by reducing dependence on foreign oil, which has been a national objective since the first oil price shocks in the 1970s. Net petroleum imports now

account for approximately 60 percent of U.S. petroleum consumption. World crude oil production is highly concentrated, exacerbating the risks of supply disruptions and price shocks. Tight global oil markets led to prices over $100 per barrel in 2008, with gasoline reaching as high as $4 per gallon in many parts of the U.S., causing financial hardship for many families and businesses. The export of U.S. assets for oil imports continues to be an important component of the historically unprecedented U.S. trade deficits. Transportation accounts for about 72 percent of U.S. petroleum consumption. Medium-duty and heavy-duty vehicles account for about 17 percent of transportation oil use, which means that they alone account for about 12 percent of all U.S. oil consumption.

Summary of Legal Basis: This rulemaking would respond to requirements of the Energy Independence and Security Act of 2007 (EISA), title 1, subtitle A, sections 102 and 108, as they amend 49 U.S.C. 32902, which was signed into law December 19, 2007. In June 2013, the Presidents Climate Action Plan called for the Department of Transportation to develop fuel efficiency standards and the Environmental Protection Agency to develop greenhouse gas emission standards in joint rulemaking within the Presidents second term. In February 2014, the President directed DOT and EPA to complete the second phase of Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles during his second term.

Alternatives: In Phase 1, NHTSA evaluated nine alternatives; (1) heavy-duty engines, only (2) Class 8 combination tractors and engines in Class 8 tractors, (3) heavy-duty engines and Class 7 and 8 tractors, (4) heavy-duty engines, Class 7 and 8 tractors, and Class 2b/3 pickup trucks and vans, (5) NPRM Preferred Alternative: heavy-duty engines, tractors, and Class 2b through 8 vehicles, (6) heavy-duty engines, tractors, Class 2b through 8 vehicles and trailers, (7) heavy-duty engines, tractors, Class 2b through 8 vehicles, and trailers plus advanced hybrid powertrain technology for Class 2b through 8 vocational vehicles, pickups and vans, (8) 15 percent less stringent that the NPRM Preferred Alternative, covering heavy-duty engines, tractors, and Class 2b through 8 vehicles, (9) 20 percent more stringent that the NPRM Preferred Alternative, covering heavy-duty engines, tractors, and Class 2b through 8 vehicles.

Anticipated Cost and Benefits: The costs and benefits associated with this rulemaking have not yet been quantified.

Risks: The agency believes there are no substantial risks to this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: James Tamm, Fuel Economy Division Chief, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone:* 202–493–0515. *Email:* *james.tamm@dot.gov*.

RIN: 2127–AL52

DOT—NHTSA

Final Rule Stage

115. + Sound for Hybrid and Electric Vehicles

Priority: Other Significant.

Legal Authority: 49 U.S.C. 30111; 49 U.S.C. 30115; 49 U.S.C. 30117; 49 U.S.C. 30166; 49 U.S.C. 322; delegation of authority at 49 CFR 1.95

CFR Citation: 49 CFR 571; 49 CFR 585.

Legal Deadline: NPRM, Statutory, July 5, 2012, Initiate rulemaking. Final, Statutory, January 3, 2014, Final Rule. Legislation requires the Secretary of Transportation to initiate rulemaking by July 2012, and issue a final rule not later than January 2014.

Abstract: This rulemaking would respond to the Pedestrian Safety Enhancement Act of 2010, which directs the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind, and other pedestrians of motor vehicle operation for hybrid and electric vehicles. The PRIA contains an estimate of 2,800 fewer injured pedestrians and pedalcyclists (35 equivalent lives saved) at a total estimated cost of $23.5 million at the 3 percent discount rate, and $22.9 million at the 7 percent discount rate, should the requirements of the NPRM be made final.

Statement of Need: The Pedestrian Safety Enhancement Act of 2010, signed into law on January 4, 2011, directs the Secretary to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation. The agency's proposed safety standard, issued January 14, 2013, will require hybrid and electric passenger cars, light trucks and vans (LTVs), medium and heavy duty trucks, buses, low speed vehicles (LSVs), and motorcycles to meet specified sound requirements as required by the Act. This standard will ensure that blind, visually-impaired, and other pedestrians are able to detect and recognize nearby hybrid and electric vehicles. The proposal estimated that 2,800 total pedestrians injured will be avoided, due to this proposal's representation of 35 equivalent lives saved.

Summary of Legal Basis: Section 30111, title 49 of the U.S.C., states that the Secretary shall prescribe motor vehicle safety standards.

Alternatives: The Agency considered and sought public comment on alternatives including: (1) Taking no action; (2) requiring alert sounds based on recordings of internal combustion engine (ICE) vehicles; (3) specifying acoustic requirements for synthetic sounds that would closely resemble sounds produced by ICE vehicles; (4) setting requirements for alert sounds that possess aspects of both sounds produced by ICE vehicles and acoustic elements that contribute to detectability; and (5) using psychoacoustic principals to develop requirements for alert sounds that would have enhanced detectability, but would not necessarily have a reference to sounds produced by ICE vehicles.

Anticipated Cost and Benefits: In 2010 dollars at a 7 percent discount rate, the total costs are estimated to be $24.4 million and monetized benefits at $134.1 million, with net benefits estimated at $109.7 million.

Risks: The Agency believes that there are no significant risks associated with this rulemaking, and that only beneficial outcomes will occur.

Timetable:

Action	Date	FR Cite
NPRM	01/14/13	78 FR 2797
NPRM Comment Period End.	03/15/13	
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have

international trade and investment effects, or otherwise be of international interest.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Marisol Medri, Safety Engineer, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–6987, *Email:* *marisol.medri@dot.gov.*

RIN: 2127–AK93

DOT—NHTSA

116. +Electronic Stability Control Systems for Heavy Vehicles (MAP–21)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 30111; 49 U.S.C. 30115; 49 U.S.C. 30117; 49 U.S.C. 30166; 49 U.S.C. 322; delegation of authority at 49 CFR 1.95

CFR Citation: 49 CFR 571.

Legal Deadline: Final, Statutory, October 1, 2014, Final Rule.

Abstract: This rulemaking would promulgate a new Federal standard that would require stability control systems on truck tractors and motorcoaches that address both rollover and loss-of-control crashes, after an extensive research program to evaluate the available technologies, an evaluation of the costs and benefits, and a review of manufacturer´s product plans. Rollover and loss-of-control crashes involving heavy vehicles is a serious safety issue that is responsible for 304 fatalities and 2,738 injuries annually. They are also a major cause of traffic tie-ups, resulting in millions of dollars of lost productivity, and excess energy consumption each year. Suppliers and truck and motorcoach manufacturers have developed stability control technology for heavy vehicles to mitigate these types of crashes. Our preliminary estimate produces an effectiveness range of 37 to 56 percent against single-vehicle tractor-trailer rollover crashes and 3 to 14 percent against loss-of-control crashes that result from skidding on the road surface. With these effectiveness estimates, annually, we estimate 29 to 66 lives would be saved, 517 to 979 MAIS 1 to 5 injuries would be reduced, and 810 to 1,693 crashes that involved property damage only would be eliminated. Additionally, it would save $10 to $26 million in property damage and travel delays. Based on the technology unit costs and affected vehicles, we estimate technology costs would be $55 to 107 million, annually. However, the costs savings from reducing travel delay and property damage would produce net benefits of $128 to $372 million. This rulemaking is responsive to requirements of the Moving Ahead for Progress in the 21st Century (MAP–21) Act.

Statement of Need: Rollover and loss-of-control crashes involving combination truck tractors and large buses is a serious safety issue that is responsible for 268 fatalities and 3,000 injuries annually. They are also a major cause of traffic tie-ups, resulting in millions of dollars of lost productivity, and excess energy consumption each year. This action is consistent with our detailed plans for improving motorcoach passenger protection, laid out in NHTSA's Approach to Motorcoach Safety 2007, and the Department of Transportation 2009 Motorcoach Action Plan (Docket No. NHTSA–2007–28793), as well as the agency's Vehicle Safety and Fuel Economy Rulemaking and Research Priority Plan 2011–2013 (Docket No. NHTSA–2009–0108), and is responsive to 3 recommendations issued by the National Transportation Safety Board.

Summary of Legal Basis: Section 30111, title 49 of the U.S.C., states that the Secretary shall prescribe motor vehicle safety standards.

Alternatives: The Agency considered two regulatory alternatives. First, we considered requiring truck tractors and large buses to be equipped with roll stability control (RSC) systems. The second alternative considered was requiring trailers to be equipped with RSC systems. When compared to the proposal, these alternatives provide fewer benefits because they are less effective at preventing rollover crashes and much less effective at preventing loss-of-control crashes.

Anticipated Cost and Benefits: According to the NPRM, the anticipated total costs are expected to be $113.6 million for the 150,000 truck tractors and 2,200 large buses produced in 2012. The agency estimates the proposal has the potential to save 49 to 60 fatalities, 649 to 858 injuries, and 1,807 to 2,329 crashes annually. The net cost per equivalent life saved at a 7 percent discount rate is estimated to range from $2.0 to $2.6 million, and for a 3 percent discount rate is $1.5 to $2.0 million. The net benefits are $155 to $222 million at a 7 percent discount rate, and $228 to $310 million at a 3 percent discount rate.

Risks: The Agency believes that there are no significant risks associated with this rulemaking, and that only beneficial outcomes will occur.

Timetable:

Action	Date	FR Cite
NPRM	05/23/12	77 FR 30766
NPRM Comment Period End.	08/21/12	
Final Rule	01/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: George Soodoo, Chief, Vehicle Safety Dynamics Division (NVS–122), Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–2720, *Fax:* 202–366–4329, *Email: george.soodoo@dot.gov.*

RIN: 2127–AK97

DOT—FEDERAL TRANSIT ADMINISTRATION (FTA)

Proposed Rule Stage

117. +State Safety Oversight (MAP–21)

Priority: Other Significant. Major under 5 U.S.C. 801.

Legal Authority: Pub. L. 112 to 141, sec 20021

CFR Citation: 49 CFR 659.

Legal Deadline: None.

Abstract: This rulemaking will set standards for State safety oversight of rail transit systems and criteria for award of FTA grant funds to help the States develop and carry out their oversight programs.

Statement of Need: The Moving Ahead for Progress in the 21st Century Act (MAP–21, effective Oct. 1, 2012) made substantial changes to the program for State safety oversight of rail fixed guideway public transportation systems, and created a new program of Federal financial assistance to the States for the purpose of conducting their oversight of rail transit system safety. This rulemaking will flesh out the statutory changes to the program, and set the process for making grants of Federal funding to the States.

Summary of Legal Basis: 49 U.S.C. 5329(e)(9) requires the Secretary to issue regulations to carry out the State safety oversight program for rail fixed guideway public transportation systems.

Alternatives: This rulemaking will amend the regulations at 49 CFR part

659 that have been in place since 1995. The single most important change this rulemaking entails is the flexible, scalable Safety Management Systems (SMS) approach that the U.S. Dept. of Transportation is applying to help ensure safety in all modes of transportation-SMS can be tailored both to the size, complexity, and mode of operation for a transit system, and the State agency that is overseeing the safety of a rail transit system.

Anticipated Cost and Benefits: This rulemaking will not entail any significant change to the annualized monetary costs and benefits of the State safety oversight rules that have been in place since 1995. The costs and benefits will be assessed during the development of the NPRM, but it's critical to note that State safety oversight of rail transit systems will no longer be an unfunded mandate; for the first time, under MAP–21, Federal funding will be available to the States to assist them in conducting their oversight, and this rulemaking will set the process for making the FTA grants to the States.

Risks: This rulemaking will not regulate any entities other than States that have rail fixed guideway public transportation systems and the State safety oversight Agencies that conduct oversight of those rail transit systems. The Federal funding for State safety oversight will be apportioned by formula, based on the statutory criteria set forth in 49 U.S.C. 5329(e)(6)(B)(i), thus, this rulemaking poses no risks for the regulated communities other than the risks inherent in conducting the oversight of the safety of the rail transit systems for which they are responsible.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Candace Key, Attorney Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–9178, *Email:* *candace.key@dot.gov*.

RIN: 2132–AB19

DOT—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

Proposed Rule Stage

118. +Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines

Priority: Other Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 60101 *et seq.*

CFR Citation: 49 CFR 195.

Legal Deadline: None.

Abstract: This rulemaking would address effective procedures that hazardous liquid operators can use to improve the protection of high consequence areas (HCA) and other vulnerable areas along their hazardous liquid onshore pipelines. PHMSA is considering whether changes are needed to the regulations covering hazardous liquid onshore pipelines, whether other areas should be included as HCAs for integrity management (IM) protections, what the repair timeframes should be for areas outside the HCAs that are assessed as part of the IM program, whether leak detection standards are necessary, valve spacing requirements are needed on new construction or existing pipelines, and PHMSA should extend regulation to certain pipelines currently exempt from regulation. The Agency would also address the public safety and environmental aspects of any new requirements, as well as the cost implications and regulatory burden.

Statement of Need: This NPRM responds to NTSB recommendations, a GAO recommendation, public safety community input, consideration of research and technology advancements and the review of recent incident and accident reports. Additionally, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112–90), includes several provisions and mandates that are relevant to the 49 CFR particularly section 195.452. If adopted, the proposals in this NPRM will better protect the public, property, and the environment by ensuring that additional pipelines are subject to improved regulation, thus increasing the detection and remediation of pipeline anomalies.

Summary of Legal Basis: Congress established the current framework for regulating the safety of hazardous liquid pipelines in the Hazardous Liquid Pipeline Safety Act (HLPSA) of 1979 (Pub. L. 96 to 129). Like its predecessor, the Natural Gas Pipeline Safety Act of 1968 (Pub. L. 90 to 481), the HLPSA provided the Secretary of Transportation (Secretary) with the authority to prescribe minimum Federal safety standards for hazardous liquid pipeline facilities. That authority, as amended in subsequent reauthorizations, is currently codified in the Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*).

Alternatives: The various alternatives analyzed included no action ''status quo'' and individualized alternatives based on the proposed amendments.

Anticipated Cost and Benefits: The cost and benefits of this rule are to be determined.

Risks: The proposed rule will provide increased safety for the regulated entities and reduce pipeline safety risks.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
ANPRM Comment Period End.	01/18/11	
ANPRM Comment Period Extended.	01/04/11	76 FR 303
ANPRM Extended Comment Period End.	02/18/11	
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: John A Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–0434, *Email:* *john.gale@dot.gov*.

RIN: 2137–AE66

DOT—PHMSA

119. +Pipeline Safety: Gas Transmission (RRR)

Priority: Other Significant.

Legal Authority: 49 U.S.C. 60101 *et seq.*

CFR Citation: 49 CFR 192

Legal Deadline: None.

Abstract: In this rulemaking, PHMSA will be revisiting the requirements in the Pipeline Safety Regulations, addressing integrity management principles for gas transmission pipelines. In particular, PHMSA will be reviewing the definition of an HCA (including the concept of a potential impact radius), the repair criteria for both HCA and non-HCA areas, requiring the use of automatic and remote-controlled shut off valves, valve

spacing, and whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements.

Statement of Need: PHMSA will be reviewing the definition of an HCA (including the concept of a potential impact radius), the repair criteria for both HCA and non-HCA areas, requiring the use of automatic and remote-controlled shut off valves, valve spacing, and whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements. This rulemaking is in direct response to Congressional mandates in the 2011 Pipeline Reauthorization Act, specifically; section 4 (e) Gas IM plus 6 months, section 5(IM), 8 (leak detection), 23 (b)(2) (exceedance of MAOP); section 29 (seismicity).

Summary of Legal Basis: Congress has authorized Federal regulation of the transportation of gas by pipeline under the Commerce Clause of the U.S. Constitution. Authorization is codified in the Pipeline Safety Laws (49 U.S.C.s 60101 *et seq.*), a series of statutes that are administered by the DOT and PHMSA. PHMSA has used that authority to promulgate comprehensive minimum safety standards for the transportation of gas by pipeline.

Alternatives: Alternatives analyzed included no change, and extension of the compliance deadlines associated with the major cost of the requirement area; namely, development and implementation of management-of-change processes that apply to all gas transmission pipelines beyond that which already applies to beyond IMP- and control center-related processes.

Anticipated Cost and Benefits: PHMSA does not expect the proposed rule to adversely affect the economy or any sector of the economy in terms of productivity and employment, the environment, public health, safety, or State, local, or tribal government. PHMSA has also determined, as required by the Regulatory Flexibility Act, that the rule would not have a significant economic impact on a substantial number of small entities in the United States. Additionally, PHMSA determined that the rule would not impose annual expenditures on State, local, or tribal governments in excess of $152 million, and thus does not require an Unfunded Mandates Reform Act analysis. However, the rule would impose annual expenditure in the private sector in excess of $152 million.

Risks: This proposed rule will strengthen current pipeline regulations and lower the safety risk of all regulated entities.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/11	76 FR 5308
ANPRM Comment Period Extended.	11/16/11	76 FR 70953
ANPRM Comment Period End.	12/02/11	
End of ANPRM Comment Period Extended.	01/20/12	
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: SB–Y IC–N SLT–N.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Cameron H Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AE72

DOT—PHMSA

Final Rule Stage

120. +Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High–Hazard Flammable Trains

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 49 U.S.C. 5101 *et seq.*

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 174; 49 CFR 179

Legal Deadline: None.

Abstract: This rulemaking would amend proposes new operational requirements for certain trains transporting a large volume of flammable materials, provide improvements in tank car standards, and revise the generalmaterials improvements in tank car standards and revision of the general requirements for offerors to ensure proper classification and characterization of mined gases and liquids. These new requirements are designed to lessen the consequences of derailments involving ethanol crude oil and certain trains transporting a large volume of flammable materials. The growing reliance on trains to transport large volumes of flammable materials poses a significant risk to life property and the environment. These significant risks have been highlighted by the recent derailments of trains carrying crude oil in Casselton, North Dakota; Aliceville, Alabama; and Lac-Mégantic, Quebec Canada. The proposed changes also address National Transportation Safety Board (NTSB) recommendations on accurate classification, enhanced tank cars, rail routing, oversight, and adequate response capabilities.

Statement of Need: This rulemaking is a crucial step by DOT to reduce the risks related to the transportation of hazardous materials by rail. Preventing tank car incidents and minimizing the consequences when an incident does occur are not only DOT priorities, but are also shared by the National Transportation Safety Board (NTSB), industry, and the general public. These same groups also question the survivability of general service tank cars built to the current regulatory requirements. To this end, PHMSA will consider regulatory amendments to enhance the standards for tank cars, most notably, DOT Specification 111 tank cars used to transport certain hazardous materials and explore additional operational requirements to enhance the safe transportation of hazardous materials by rail.

Summary of Legal Basis: The authority of 49 U.S.C. 5103(b), which authorizes the Secretary of Transportation to ''prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce.''

Alternatives: PHMSA and FRA are committed to a comprehensive approach to addressing the risk and consequences of derailments involving hazardous materials by addressing not only survivability of rail car designs, but the operational practices of rail carriers. Obtaining information and comments in an NPRM provided the greatest opportunity for public participation in the development of regulatory amendments, and promote greater exchange of information and perspectives among the various stakeholders to promote future regulatory action on these issues.

Anticipated Cost and Benefits: The NPRM requested comments on both the path forward and the economic impacts. We are evaluating comments prior to developing the final rule, and once the final rule is drafted the costs and benefits will be detailed.

Risks: DOT conducted research on long-standing safety concerns regarding the survivability of the DOT Specification 111 tank cars designed to current HMR requirements, and used for the transportation of flammable liquids. The research found that special consideration is necessary for the transportation of flammable liquids in DOT Specification 111 tank cars, especially when a train is configured as a unit train. Through the research, DOT identified and ranked several enhancements to the current specifications that would increase tank car survivability. The highest-ranked options are low cost and the most effective at preventing loss of containment and catastrophic failure of a DOT Specification 111 tank car during a derailment.

Timetable:

Action	Date	FR Cite
ANPRM	09/06/13	78 FR 54849
ANPRM Comment Period End.	11/05/13	
ANPRM Comment Period Extended.	11/05/13	78 FR 66326
ANPRM Comment Period Extended End.	12/05/13	
NPRM	08/01/14	79 FR 45015
NPRM Comment Period End.	09/30/14	
Final Rule	03/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: HM–251; SB–Y, IC–Y, SLT–N; This rulemaking will provide the greatest opportunity for public participation in the development of regulatory amendments, and promote greater exchange of information and perspectives among the various stakeholders. The rulemaking will lead to more focused and well-developed amendments that reflect the views of all regulated entities. Comments received to the NPRM were used in our evaluation and development of future regulatory action on these issues.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Ben Supko, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–8553, *Email:* *ben.supko@dot.gov.*

RIN: 2137–AE91

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Statement of Regulatory Priorities

The primary missions of the Department of the Treasury are:

• To promote prosperous and stable American and world economies, including promoting domestic economic growth and maintaining our Nation's leadership in global economic issues, supervising national banks and thrift institutions, and helping to bring residents of distressed communities into the economic mainstream.

• To manage the Government's finances by protecting the revenue and collecting the correct amount of revenue under the Internal Revenue Code, overseeing customs revenue functions, financing the Federal Government and managing its fiscal operations, and producing our Nation's coins and currency.

• To safeguard the U.S. and international financial systems from those who would use these systems for illegal purposes or to compromise U.S. national security interests, while keeping them free and open to legitimate users.

Consistent with these missions, most regulations of the Department and its constituent bureaus are promulgated to interpret and implement the laws as enacted by the Congress and signed by the President. It is the policy of the Department to comply with applicable requirements to issue a notice of proposed rulemaking and carefully consider public comments before adopting a final rule. Also, the Department invites interested parties to submit views on rulemaking projects while a proposed rule is being developed.

To the extent permitted by law, it is the policy of the Department to adhere to the regulatory philosophy and principles set forth in Executive Orders 12866, 13563, and 13609 and to develop regulations that maximize aggregate net benefits to society while minimizing the economic and paperwork burdens imposed on persons and businesses subject to those regulations.

Alcohol and Tobacco Tax and Trade Bureau

The Alcohol and Tobacco Tax and Trade Bureau (TTB) issues regulations to implement and enforce the Federal laws relating to alcohol, tobacco, firearms, and ammunition excise taxes and certain non-tax laws relating to alcohol. TTB's mission and regulations are designed to:

(1) Collect the taxes on alcohol, tobacco, firearms and ammunition;

(2) Protect the consumer by ensuring the integrity of alcohol products; and

(3) Prevent unfair and unlawful market activity for alcohol and tobacco products.

In the last several years, TTB has recognized the changes in the industries it regulates, as well as the modernized enforcement tools available to it. As a consequence, TTB has focused on revising its regulations to ensure that it accomplishes its mission in a way that facilitates industry growth, while at the same time protecting the revenue and consumers of alcohol beverages. This modernization effort has resulted in the updating of Parts 9 (American Viticultural Areas) and 19 (Distilled Spirits Plants) of Title 27 of the Code of Federal Regulations. In addition to its beverage alcohol regulations, TTB published in fiscal year (FY) 2013, a temporary rule and concurrent NPRM pertaining to permits for importers of tobacco products and processed tobacco that would extend the duration of new permits from three years to five years. Furthermore, TTB published an NPRM concerning denatured alcohol and products made with industrial alcohol. The proposed amendments would remove unnecessary regulatory burdens on the industrial alcohol industry as well as TTB, and would align the regulations with current industry practice. These latter three rules all published in June 2013.

In fiscal year 2014, TTB published a direct final rule amending its regulations in 27 CFR part 73 regarding the electronic submission of forms and other documents. To streamline the application process through TTB's secure, web-based applications (Permits Online, COLAs Online, and Formulas Online) and to enable current and prospective industry members to submit all required application forms electronically, TTB amended part 73 to provide for the electronic submission to TTB of forms requiring third-party signatures, such as bond forms and powers of attorney. Copies of such forms, bearing all required signatures and seals, may now be submitted electronically, along with a certification that the copy is an exact copy of the original, provided the submitter maintains the original along with other records and makes it available or submits it to TTB upon request. TTB further amended part 73 to provide that any requirement in the TTB regulations to submit a document to another agency may be met by the electronic submission of the document to the other agency, as long as the other agency provides for, and authorizes, the

electronic submission of such document.

In that same final rule, TTB amended its regulations in 27 CFR part 19 governing the records that distilled spirits plant (DSP) proprietors must keep of finished products, by removing the requirement that DSP proprietors keep a daily summary record of the kind of distilled spirits bottled or packaged. Finally, TTB amended its regulations in 27 CFR parts 26 and 27 regarding closures that must be affixed to containers of imported distilled spirits products or of such products brought into the United States from Puerto Rico or the Virgin Islands. The amendments remove a requirement that a part of the closure remain attached to the container when opened, thereby aligning the regulations for such products with those applicable to domestic distilled spirits products. In summary, the amendments made by this final rule have lessened the regulatory burden on industry members by, among other changes: (1) providing for the electronic submission of documents requiring third-party signatures or corporate seals and of documents that the TTB regulations require be submitted to other agencies; (2) removing a recordkeeping requirement in 27 CFR 19.601 for DSP proprietors; and (3) removing a regulatory requirement related to the types of closures that must be used on certain distilled spirits containers.

In FY 2015, TTB will continue its multi-year Regulations Modernization effort by finalizing its Specially Denatured and Completely Denatured Alcohol regulations and prioritizing projects that will update its Labeling Requirements regulations, Import and Export regulations, Nonbeverage Products regulations, and Distilled Spirits Plant Reporting Requirements.

This fiscal year TTB plans to give priority to the following regulatory matters:

Revisions to Specially Denatured and Completely Denatured Alcohol Regulations. TTB proposed changes to regulations for specially denatured alcohol (SDA) and completely denatured alcohol (CDA) that would result in cost savings for both TTB and regulated industry members. These amendments are necessary because they provide a reduction in regulatory burden while posing no risk to the revenue.

Under the authority of the Internal Revenue Code of 1986, as amended (IRC), TTB regulates denatured alcohol that is unfit for beverage use, which may be removed from a regulated distilled spirits plant free of tax. SDA and CDA are widely used in the American fuel, medical, and manufacturing sectors. The industrial alcohol industry far exceeds the beverage alcohol industry in size and scope, and it is a rapidly growing industry in the United States. Some concerns have been raised that the current regulations may create significant roadblocks for industry members in getting products to the marketplace quickly and efficiently. To help alleviate these concerns, TTB plans to issue a final rule that will reclassify certain SDA formulas as CDA and issue new general-use formulas for articles made with SDA. As a result of these changes, industry members would need to seek formula approval from TTB less frequently, and, in turn, TTB could decrease the resources it dedicates to formula review.

TTB estimates that these changes will result in an 80 percent reduction in the formula approval submissions currently required from industry members and will reduce total annual paperwork burden hours on affected industry members from 2,415 to 517 hours. The reduction in formula submissions will enable TTB to redirect its resources to address backlogs that exist in other areas of TTB's mission activities, such as analyses of compliance samples for industrial/fuel alcohol to protect the revenue and working with industry to test and approve new and more environmentally friendly denaturants. Additionally, the reclassification of certain SDA formulas to CDA formulas will not jeopardize the revenue because it is more difficult to separate potable alcohol from CDA than it is from SDA, and because CDA has an offensive taste and is less likely to be used for beverage purposes. Similarly, authorizing new general-use formulas will not jeopardize the revenue because it will be difficult to remove potable alcohol from articles made with the specific SDA formulations. Other changes made by this final rule will remove unnecessary regulatory burdens and update the regulations to align them with current industry practice.

Revisions to the Labeling Requirements (Parts 4 (Wine), 5 (Distilled Spirits), and 7 (Malt Beverages)). The Federal Alcohol Administration Act requires that alcohol beverages introduced in interstate commerce have a label issued and approved under regulations prescribed by the Secretary of the Treasury. In accordance with the mandate of Executive Order 13563 of January 18, 2011, regarding improving regulation and regulatory review, TTB has conducted an analysis of its regulations to identify any that might be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned. As a result of its review, TTB has near-term plans to revise the regulations concerning the approval of labels for wine, distilled spirits, and malt beverages, to reduce the cost to TTB of reviewing and approving an ever-increasing number of applications for label approval (well over 130,000 per year). The regulations are being reviewed to assess their relevance in the 21st century. Revisions will provide clarity to industry to improve voluntary compliance. Currently, the review and approval process requires a staff of at least 13 people for the pre-approval of labels, in addition to management review. The goal of these regulatory changes, to be developed with industry input, is to accelerate the approval process, which will result in the regulated industries being able to bring products to market without undue delay.

Selected Revisions to Export and Import Regulations Related to the International Trade Data System. TTB is currently preparing for the implementation of the International Trade Data System (ITDS) and, specifically, the transition to an all-electronic import and export environment. The ITDS, as described in section 405 of the Security and Accountability for Every Port Act of 2006 (the ''SAFE Port Act'') (Public Law 109–347), is an electronic information exchange capability, or ''single window,'' through which businesses will transmit data required by participating agencies for the importation or exportation of cargo. To enhance Federal coordination associated with the development of the ITDS and put in place specific deadlines for implementation, President Obama, on February 19, 2014, signed an Executive Order (EO) on Streamlining the Export/Import Process for America's Businesses. In line with section 3(e) of the EO, TTB was required to develop an implementation timeline for ITDS implementation. Regulatory review for transition to the all-electronic environment is part of that process.

TTB has completed its review of the regulatory requirements and identified those that it intends to update to account for the new all-electronic environment. TTB has not only focused on identifying requirements in order to align them with the new environment (such as amending requirements that reference submission of paper documents at entry), but also is reviewing existing requirements and processes to determine where modifications could better take

advantage of the all-electronic capability while reducing burden. TTB is planning to publish rulemaking on its import and export regulations in FY15, for example, this rulemaking will address the collection of TTB F 5100.31 (Application for and Certification/ Exemption of Label/Bottle Approval) and foreign certificate data in the ITDS environment.

In recent years, TTB has identified selected sections of its export regulations (27 CFR part 28) that should be amended to assist industry members in complying with the regulations. Current regulations require industry members to obtain documents and follow procedures that are outdated and not entirely consistent with current industry practices regarding exportation. As part of its effort to accommodate implementation of ITDS, TTB's proposed regulatory revisions will also provide industry members with clear and updated procedures for removal of alcohol for exportation without having to pay excise taxes (under the IRC, beverage alcohol may be removed for exportation without payment of tax), thus increasing their willingness and ability to export their products. Increasing American exports benefits the American economy and is consistent with Treasury and Administration priorities.

Revision of the Part 17 Regulations, ''Drawback on Taxpaid Distilled Spirits Used in Manufacturing Nonbeverage Products,'' to Allow Self-Certification of Nonbeverage Product Formulas. TTB is considering revisions to the regulations in 27 CFR part 17 governing nonbeverage products made with taxpaid distilled spirits. These nonbeverage products include foods, medicines, and flavors. This proposal offers a new method of formula certification by incorporating quantitative standards into the regulations and establishing new voluntary procedures that would further streamline the formula review process for products that meet the standards. These proposals pose no risk to the revenue because TTB will continue to review the formulas; however, TTB will not take action on certified formula submissions unless the formulas require correction. This proposal would nearly eliminate the need for TTB to formally approve all nonbeverage product formulas by proposing to allow for self-certification of such formulas. The changes would result in significant cost savings for an important industry, which currently must obtain formula approval from TTB, and some savings for TTB, which must review and take action to approve or disapprove each formula.

Revisions to Distilled Spirits Plant Reporting Requirements. In FY 2012, TTB published an NPRM proposing to revise regulations in 27 CFR part 19 to replace the current four report forms used by distilled spirits plants to report their operations on a monthly basis with two new report forms that would be submitted on a monthly basis. (Plants that file taxes on a quarterly basis would submit the new reports on a quarterly basis.) This project, which was included in the President's FY 2012 budget for TTB as a cost-saving item, will address numerous concerns and desires for improved reporting by the affected distilled spirits industry and result in cost savings to the industry and TTB by significantly reducing the number of monthly plant operations reports that must be completed and filed by industry members and processed by TTB. TTB preliminarily estimates that this project will result in an annual savings of approximately 23,218 paperwork burden hours (or 11.6 staff years) for industry members and 629 processing hours (or 0.3 staff years) and $12,442 per year for TTB in contractor time. In addition, TTB estimates that this project will result in additional savings in staff time (approximately 3 staff years) equaling $300,000 annually based on the more efficient and effective processing of reports and the use of report data to reconcile industry member tax accounts. Based on comments received in response to the NPRM, TTB plans to revise the proposal and re-notice the issue.

Bureau of the Fiscal Service

The Bureau of the Fiscal Service (Fiscal Service) administers regulations pertaining to the Government's financial activities, including: (1) Implementing Treasury's borrowing authority, including regulating the sale and issue of Treasury securities, (2) Administering Government revenue and debt collection, (3) Administering Governmentwide accounting programs, (4) Managing certain Federal investments, (5) Disbursing the majority of Government electronic and check payments, (6) Assisting Federal agencies in reducing the number of improper payments, and (7) Providing administrative and operational support to Federal agencies through franchise shared services.

During fiscal year 2015, the Fiscal Service will accord priority to the following regulatory projects:

Amendment to Large Position Reporting Requirements. On behalf of Treasury (Financial Markets), the Fiscal Service plans to amend the Government Securities Act regulations (17 CFR chapter IV) to modify the large position reporting rules to improve the information reported so that Treasury can better understand supply and demand dynamics in certain Treasury securities.

Notice of Proposed Rulemaking for Publishing Delinquent Debtor Information. The Debt Collection Improvement Act of 1996, Pub. L. 104–134, 110 Stat. 1321 (DCIA) authorizes Federal agencies to publish or otherwise publicly disseminate information regarding the identity of persons owing delinquent nontax debts to the United States for the purpose of collecting the debts, provided certain criteria are met. Treasury proposes to issue a notice of proposed rulemaking seeking comments on a proposed rule that would establish the procedures Federal agencies must follow before promulgating their own rules to publish information about delinquent debtors and the standards for determining when use of this debt collection remedy is appropriate.

Community Development Financial Institutions Fund

The Community Development Financial Institutions Fund (CDFI Fund) was established by the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 *et seq.*). The mission of the CDFI Fund is to increase economic opportunity and promote community development investments for underserved populations and in distressed communities in the United States. The CDFI Fund currently administers the following programs: The Community Development Financial Institutions (CDFI) Program, the Bank Enterprise Award (BEA) Program, the Native American CDFI Assistance (NACA) Program, and the New Markets Tax Credit (NMTC) Program, the Financial Education and Counseling Pilot Program (FEC), the Capital Magnet Fund (CMF), and the CDFI Bond Guarantee Program (BGP).

In FY 2015, the CDFI Fund will publish updated regulations for its BEA Program and CDFI Program to incorporate the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200). In December 2013, the Office of Management and Budget (OMB) published a final rule that provides a government-wide framework for grants management, with the goal of combining several OMB guidance circulars, reducing administrative burden for award Recipients, and

reducing the risk of waste, fraud and abuse of Federal financial assistance. The Uniform Federal Award Requirements codifies financial, administrative, procurement, and program management standards that Federal award agencies must follow. Each Federal agency is anticipated to codify these requirements by the end of calendar year 2014.

Customs Revenue Functions

The Homeland Security Act of 2002 (the Act) provides that the Secretary of the Treasury retains sole legal authority over the customs revenue functions. The Act also authorizes the Secretary of the Treasury to delegate any of the retained authority over customs revenue functions to the Secretary of Homeland Security. By Treasury Department Order No. 100–16, the Secretary of the Treasury delegated to the Secretary of Homeland Security authority to prescribe regulations pertaining to the customs revenue functions subject to certain exceptions. This Order further provided that the Secretary of the Treasury retained the sole authority to approve such regulations.

During the past fiscal year, among the customs-revenue function regulations issued were the United States–-Colombia Trade Promotion Agreement final rule, the United States—Panama Trade Promotion Agreement final rule, and the African Growth and Opportunity Act (AGOA) and Generalized System of Preferences and Trade Benefits under AGOA final rule. On October 1, 2013, U.S. Customs and Border Protection (CBP) published the United States–-Colombia Trade Promotion Agreement final rule (78 FR 60191) that adopted interim amendments (77 FR 59064) of September 26, 2012, to the CBP regulations which implemented the preferential tariff treatment and other customs-related provisions of the United States—Colombia Trade Promotion Agreement Implementation Act. On May 21, 2014, CBP issued the United States—Panama Trade Promotion Agreement final rule (79 FR 29077) that adopted interim amendments (78 FR 63052) of October 23, 2013, to the CBP regulations, which implemented the preferential tariff treatment and other customs-related provisions of the United States-Panama Trade Promotion Agreement Implementation Act that took effect on October 31, 2012. In addition, CBP issued the African Growth and Opportunity Act (AGOA) and Generalized System of Preferences and Trade Benefits under AGOA final rule (79 FR 30356) on May 27, 2014, that adopted the interim amendments (65 FR 59668 and 68 FR 13820) of October 5, 2000, and March 21, 2003, respectively, to the CBP regulations.

On December 18, 2013, Treasury and CBP published a final rule titled Members of a Family for Purposes of Filing a CBP Family Declaration (78 FR 76529) that amended the regulations by expanding the definition of the term, ''members of a family residing in one household,'' to allow more U.S. returning residents traveling as a family upon their arrival in the United States to be eligible to group their duty exemptions and file a single customs declaration for articles acquired abroad.

This past fiscal year, consistent with the goals of Executive Orders 12866 and 13563, Treasury and CBP proposed changes to Documentation Related to Goods Imported From U.S. Insular Possessions on January 14, 2014 (79 FR 2395), to eliminate the requirement that a customs officer at the port of export verify and sign CBP Form 3229, Certificate of Origin for U.S. Insular Possessions, and to require instead that the importer present this form, upon CBP's request, rather than submit it with each entry as the current regulations require. The changes proposed would streamline the entry process by making it more efficient as it would reduce the overall administrative burden on both the trade and CBP. If the importer does not maintain CBP Form 3229 in its possession, the importer may be subject to a recordkeeping penalty. CBP plans to finalize this rule during fiscal year 2015.

During fiscal year 2015, CBP and Treasury also plan to give priority to the following regulatory matters involving the customs revenue functions:

In-Bond Process. Consistent with the practice of continuing to move forward with Customs Modernization provisions of the North American Free Trade Implementation Act to improve its regulatory procedures, Treasury and CBP plan to finalize this fiscal year the proposal to change the in-bond process by issuing final regulations to amend the in-bond regulations that were proposed on February 22, 2012 (77 FR 10622). The proposed changes, including the automation of the in-bond process, would modernize, simplify, and facilitate the in-bond process while enhancing CBP's ability to regulate and track in-bond merchandise to ensure that in-bond merchandise is properly entered or exported.

Free Trade Agreements. Treasury and CBP also plan to issue final regulations this fiscal year to implement the preferential trade benefit provisions of the United States-Singapore Free Trade Agreement Implementation Act. Treasury and CBP also expect to issue interim regulations implementing the preferential trade benefit provisions of the United States-Australia Free Trade Agreement Implementation Act.

Customs and Border Protection's Bond Program. Treasury and CBP plan to publish a final rule amending the regulations to reflect the centralization of the continuous bond program at CBP's Revenue Division. The changes proposed would support CBP's bond program by ensuring an efficient and uniform approach to the approval, maintenance, and periodic review of continuous bonds, as well as accommodating the use of information technology and modern business practices.

Disclosure of Information for Certain Intellectual Property Rights Enforced at the Border. Treasury and CBP plan to finalize interim amendments to the CBP regulations which provides a pre-seizure notice procedure for disclosing information appearing on the imported merchandise and/or its retail packing suspected of bearing a counterfeit mark to an intellectual property right holder for the limited purpose of obtaining the right holder's assistance in determining whether the mark is counterfeit or not.

Internal Revenue Service

The Internal Revenue Service (IRS), working with the Office of Tax Policy, promulgates regulations that interpret and implement the Internal Revenue Code and related tax statutes. The purpose of these regulations is to carry out the tax policy determined by Congress in a fair, impartial, and reasonable manner, taking into account the intent of Congress, the realities of relevant transactions, the need for the Government to administer the rules and monitor compliance, and the overall integrity of the Federal tax system. The goal is to make the regulations practical and as clear and simple as possible.

During fiscal year 2015, the IRS will accord priority to the following regulatory projects:

Tax-Related Affordable Care Act Provisions. On March 23, 2010, the President signed the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148) and on March 30, 2010, the President signed the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (referred to collectively as the Affordable Care Act (ACA)). The ACA's reform of the health insurance system affects individuals, families, employers, health care providers, and health insurance providers. The ACA provides authority for Treasury and the IRS to issue regulations and other guidance to

implement tax provisions in the ACA, some of which are already effective and some of which will become effective over the next several years. Since enactment of the ACA, Treasury and the IRS have issued a series of temporary, proposed, and final regulations implementing over a dozen provisions of the ACA, including the premium tax credit under section 36B, the small-business health coverage tax credit under section 45R, new requirements for charitable hospitals under section 501(r), limits on tax preferences for remuneration provided by certain health insurance providers under section 162(m)(6), the employer shared responsibility provisions under section 4980H, the individual shared responsibility provisions under section 5000A, insurer and employer reporting under sections 6055 and 6056, and several revenue-raising provisions, including fees on branded prescription drugs under section 9008 of the ACA, fees on health insurance providers under section 9010 of the ACA, the tax on indoor tanning services under 5000B, the net investment income tax under section 1411, and the additional Medicare tax under sections 3101 and 3102.

In fiscal year 2015, Treasury and the IRS will continue to provide guidance to implement tax provisions of the ACA, including:

- Final regulations related to numerous aspects of the premium tax credit under section 36B, including the determination of minimum value of eligible-employer-sponsored plans;
- Final regulations on application for recognition of tax exemption as a qualified nonprofit health insurer under section 501(c)(29);
- Final regulations on new requirements for charitable hospitals under section 501(r);
- Final regulations regarding issues related to the net investment income tax under section 1411; and
- Final regulations concerning minimum essential coverage and other rules regarding the individual shared responsibility provision under section 5000A.

Interest on Deferred Tax Liability for Contingent Payment Installment Sales. Section 453 of the Internal Revenue Code generally allows taxpayers to report the gain from a sale of property in the taxable year or years in which payments are received, rather than in the year of sale. Section 453A of the Code imposes an interest charge on the tax liability that is deferred as a result of reporting the gain when payments are received. The interest charge generally applies to installment obligations that arise from a sale of property using the installment method if the sales price of the property exceeds $150,000, and the face amount of all such installment obligations held by a taxpayer that arose during, and are outstanding as of the close of, a taxable year exceeds $5,000,000. The interest charge provided in section 453A cannot be determined under the terms of the statute if an installment obligation provides for contingent payments. Accordingly, in section 453A(c)(6), Congress authorized the Secretary of the Treasury to issue regulations providing for the application of section 453A in the case of installment sales with contingent payments. Treasury and the IRS intend to issue proposed regulations that, when finalized, will provide guidance and reduce uncertainty regarding the application of section 453A to contingent payments.

Rules for Home Construction Contracts. In general, section 460(a) requires taxpayers to use the percentage-of-completion method (PCM) to account for taxable income from any long-term contract. Under the PCM, income is generally reported in installments as work is performed, and expenses are generally deducted in the taxable year incurred. However, taxpayers with contracts that meet the definition of a ''home construction contract,'' under section 460(e)(4), are not required to use the PCM for those contracts and may, instead, use an exempt method. Exempt methods include the completed contract method (CCM) and the accrual method. Under the CCM, for example, a taxpayer generally takes into account the entire gross contract price and all incurred allocable contract costs in the taxable year the taxpayer completes the contract. Treasury and the IRS believe that amended rules are needed to reduce uncertainty and controversy, including litigation, regarding when a contract qualifies as a ''home construction contract'' and when the income and allocable deductions are taken into account under the CCM. On August 4, 2008, Treasury and the IRS published proposed regulations on the types of contracts that are eligible for the home construction contract exemption. The preamble to those regulations stated that Treasury and the IRS expected to propose additional rules specific to home construction contracts accounted for using the CCM. After considering comments received and the need for additional and clearer rules to reduce ongoing uncertainty and controversy, Treasury and the IRS have determined that it would be beneficial to taxpayers to present all of the proposed changes to the current regulations in a single document. Treasury and the IRS plan to withdraw the 2008 proposed regulations and replace them with new, more comprehensive proposed regulations.

Research Expenditures. Section 41 of the Internal Revenue Code provides a credit against taxable income for certain expenses paid or incurred in conducting research activities. To assist in resolving areas of controversy and uncertainty with respect to research expenses, Treasury and the IRS plan to issue regulations with respect to the definition and credit eligibility of expenditures for internal use software, the election of the alternative simplified credit, and the allocation of the credit among members of a controlled group.

Estate Tax Portability of Decedent's Unused Exclusion Amount. The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (TRA of 2010) amended sections 2010 and 2505 of the Internal Revenue Code to provide an estate of a decedent survived by a spouse the opportunity to transfer, or port, unused applicable exclusion amount to and for the benefit of the surviving spouse. Although the portability provisions of TRA of 2010 were originally scheduled to expire on December 31, 2012, the American Taxpayer Relief Act of 2012 made the portability provisions permanent. Treasury and the IRS plan to issue final regulations on or before June 15, 2015, to replace sunsetting temporary regulations. The final regulations will provide rules for electing portability, determining the unused exclusion amount available from the estate of the first-to-die spouse to the surviving spouse, and applying the ported unused exclusion amount to the surviving spouse's subsequent transfers.

Arbitrage Investment Restrictions on Tax-Exempt Bonds. The arbitrage investment restrictions on tax-exempt bonds under section 148 generally limit issuers from investing bond proceeds in higher-yielding investments. On September 16, 2013, Treasury and the IRS published proposed regulations (78 FR 56842) to address selected current issues involving the arbitrage investment restrictions, including guidance on the issue price definition used in the computation of bond yield, working capital financings, grants, investment valuation, modifications, terminations of qualified hedging transactions, and selected other issues. Treasury and the IRS plan to provide additional guidance on the arbitrage investment restrictions, including guidance on the issue price definition used in the computation of bond yield.

Guidance on the Definition of Political Subdivision for Tax-Exempt, Tax-Credit, and Direct-Pay Bonds. A political subdivision may be a valid issuer of tax-exempt, tax-credit, and direct-pay bonds. Concerns have been raised about what is required for an entity to be a political subdivision. Treasury and the IRS plan to provide additional guidance under section 103 for determining when an entity is a political subdivision.

Contingent Notional Principal Contract Regulations. Notice 2001–44 (2001–2 CB 77) outlined four possible approaches for recognizing nonperiodic payments made or received on a notional principal contract (NPC) when the contract includes a nonperiodic payment that is contingent in fact or in amount. The Notice solicited further comments and information on the treatment of such payments. After considering the comments received in response to Notice 2001–44, Treasury and the IRS published proposed regulations (69 FR 8886) (the 2004 proposed regulations) that would amend section 1.446–3 and provide additional rules regarding the timing and character of income, deduction, gain, or loss with respect to such nonperiodic payments, including termination payments. On December 7, 2007, Treasury and IRS released Notice 2008–2 requesting comments and information with respect to transactions frequently referred to as prepaid forward contracts. Treasury and the IRS plan to re-propose regulations to address issues relating to the timing and character of nonperiodic contingent payments on NPCs, including termination payments and payments on prepaid forward contracts.

Tax Treatment of Distressed Debt. A number of tax issues relating to the amount, character, and timing of income, expense, gain, or loss on distressed debt remain unresolved. In addition, the tax treatment of distressed debt, including distressed debt that has been modified, may affect the qualification of certain entities for tax purposes or result in additional taxes on the investors in such entities, such as regulated investment companies, real estate investment trusts (REITs), and real estate mortgage investment conduits (REMICs). During fiscal year 2014, Treasury and the IRS addressed some of these issues through published guidance, including guidance on an entity's qualification as a REIT in the context of transactions involving distressed mortgage loans. Treasury and the IRS plan to address more of these issues in published guidance.

Definition of Real Property and Qualifying Income for REIT Purposes. A taxpayer must satisfy certain asset and income requirements to qualify as a REIT under section 856. REITs have sought to invest in various types of assets that are not directly addressed by the current regulations or other published guidance. On May 14, 2014, Treasury and the IRS published proposed regulations (79 FR 27508) to update and clarify the definition of real property for REIT qualification purposes, including guidance addressing whether a component of a larger item is tested on its own or only as part of the larger item, the scope of the asset to be tested, and whether certain intangible assets qualify as real property. Treasury and the IRS plan to finalize the proposed regulations in the fiscal year. Treasury and the IRS also plan to provide guidance clarifying the definition of income for purposes of section 856.

Corporate Spin-offs and Split-offs. Section 355 and related provisions of the Internal Revenue Code allow for the tax-free distribution of stock or securities of a controlled corporation if certain requirements are met. For example, the distributing corporation must distribute a controlling interest in the controlled corporation, and both the distributing and controlled corporations must be engaged in the active conduct of a trade or business immediately after the distribution. The Treasury Department and the IRS intend to provide guidance on the qualification of a distribution for tax-free treatment under section 355, including (1) final regulations that address when a corporation is treated as engaged in an active trade or business, and (2) final regulations that define predecessor or successor corporation for purposes of the exception to tax-free treatment under section 355(e). The Treasury Department and the IRS also intend to provide guidance relating to the tax treatment of other transactions undertaken as part of a plan that includes a distribution of stock or securities of a controlled corporation, such as changes to the voting power of the controlled corporation's stock in anticipation of the distribution, the issuance of debt of the distributing corporation and retirement of such debt using stock or securities of the controlled corporation, and the transfer of cash or property between a distributing or controlled corporation and its shareholder(s) in connection with the distribution.

Disguised Sale and Allocation of Liabilities. A contribution of property by a partner to a partnership may be recharacterized as a sale under section 707(a)(2)(B) if the partnership distributes to the contributing partner cash or other property that is, in substance, consideration for the contribution. The allocation of partnership liabilities to the partners under section 752 may impact the determination of whether a disguised sale has occurred and whether gain is otherwise recognized upon a distribution. Treasury and the IRS issued proposed regulations to address certain issues that arise in the disguised sale context and other issues regarding the partners' shares of partnership liabilities. Treasury and the IRS are considering comments on the proposed regulations and expect to issue regulations in fiscal year 2015.

Certain Partnership Distributions Treated as Sales or Exchanges. In 1954, Congress enacted section 751 to prevent the use of a partnership to convert potential ordinary income into capital gain. In 1956, Treasury and the IRS issued regulations implementing section 751. The current regulations, however, do not always achieve the purpose of the statute. In 2006, Treasury and the IRS published Notice 2006–14 (2006–1 CB 498) to propose and solicit alternative approaches to section 751 that better achieve the purpose of the statute while providing greater simplicity. Treasury and the IRS are currently working on proposed regulations following up on Notice 2006–14. These regulations will provide guidance on determining a partner's interest in a partnership's section 751 property and how a partnership recognizes income required by section 751.

Penalties and Limitation Periods. Congress amended several penalty provisions in the Internal Revenue Code in the past several years. Treasury and the IRS intend to publish a number of guidance projects in fiscal year 2015 addressing these penalty provisions. Specifically, Treasury and the IRS intend to publish final regulations under section 6708 regarding the penalty for failure to make available upon request a list of advisees that is required to be maintained under section 6112. The proposed regulations were published on March 8, 2013. Treasury and the IRS also intend to publish proposed regulations under sections 6662, 6662A, and 6664 to provide further guidance on the circumstances under which a taxpayer could be subject to the accuracy related penalty on underpayments or reportable transaction understatements and the reasonable cause exception. Further, Treasury and the IRS intend to publish (1) final regulations under section 6501(c)(10) regarding the extension of

the period of limitations to assess any tax with respect to a listed transaction that was not disclosed as required under section 6011, and (2) proposed regulations under section 6707A addressing statutory changes to the method of computing the penalty for failure to disclose reportable transactions.

Inversion Transactions. On September 22, 2014, Treasury and the IRS issued Notice 2014–52, addressing the application of sections 7874 and 367 to inversions, as well as certain tax avoidance transactions that are undertaken after an inversion transaction. In this fiscal year, Treasury and the IRS expect to issue regulations implementing the rules described in Notice 2014–52. Also in this fiscal year, Treasury and the IRS expect to issue additional guidance to further limit inversion transactions that are contrary to the purposes of section 7874 and the benefits of post-inversion tax avoidance transactions. In addition, under the terms of the statute, section 7874 will not apply to an inversion if the post-transaction group has substantial business activities in the country in which the foreign acquiring corporation is organized when compared to the total business activities of the group. On June 7, 2012, Treasury and the IRS issued temporary regulations regarding the determination of whether a group satisfies the substantial business activities test. During fiscal year 2015, Treasury and the IRS intend to finalize these regulations.

Information Reporting for Foreign Accounts of U.S. Persons. In March 2010, chapter 4 (sections 1471 to 1474) was added to subtitle A of the Internal Revenue Code as part of the Hiring Incentives to Restore Employment Act (HIRE Act) (Pub. L. 111–147). Chapter 4 was enacted to address concerns with offshore tax evasion by U.S. citizens and residents and generally requires foreign financial institutions (FFIs) to enter into an agreement (FFI Agreement) with the IRS to report information regarding financial accounts of U.S. persons and certain foreign entities with significant U.S. ownership. An FFI that does not enter into an FFI Agreement, or that is not otherwise deemed compliant with FATCA, generally will be subject to a withholding tax on the gross amount of certain payments from U.S. sources. The Treasury Department and the IRS have issued proposed, temporary, and final regulations under chapter 4; and proposed and temporary regulations under chapters 3 and 61, and section 3406, to coordinate with those chapter 4 regulations; as well as implementing revenue procedures and other guidance. The Treasury Department and the IRS expect to issue further guidance with respect to FATCA and related provisions in this fiscal year.

Withholding on Certain Dividend Equivalent Payments on Certain Equity Derivatives. The HIRE Act also added section 871(l) to the Code (now section 871(m)), which designates certain substitute dividend payments in security lending and sale-repurchase transactions and dividend-referenced payments made under certain notional principal contracts as U.S.-source dividends for Federal tax purposes. In response to this legislation, on May 20, 2010, the IRS issued Notice 2010–46, addressing the requirements for determining the proper withholding in connection with substitute dividends paid in foreign-to-foreign security lending and sale-repurchase transactions. On January 23, 2012, Treasury and the IRS issued temporary and proposed regulations addressing cases in which dividend equivalents will be found to arise in connection with notional principal contracts and other financial derivatives. On December 5, 2013, Treasury and the IRS released final regulations relating to the 2012 temporary and proposed regulations. At the same time, Treasury and the IRS issued new proposed regulations based on comments received with respect to the 2012 proposed regulations. Treasury and the IRS expect to finalize these regulations in this fiscal year.

International Tax Provisions of the Education Jobs and Medicaid Assistance Act. On August 10, 2010, the Education Jobs and Medicaid Assistance Act of 2010 (EJMAA) (Pub. L. 111–226) was signed into law. The law includes a significant package of international tax provisions, including limitations on the availability of foreign tax credits in certain cases in which U.S. tax law and foreign tax law provide different rules for recognizing income and gain, and in cases in which income items treated as foreign source under certain tax treaties would otherwise be sourced in the United States. The legislation also limits the ability of multinationals to reduce their U.S. tax burdens by using a provision intended to prevent corporations from avoiding U.S. income tax on repatriated corporate earnings. Other new provisions under this legislation limit the ability of multinational corporations to use acquisitions of related party stock to avoid U.S. tax on what would otherwise be taxable distributions of dividends. The statute also includes a new provision intended to tighten the rules under which interest expense is allocated between U.S.- and foreign-source income within multinational groups of related corporations when a foreign corporation has significant amounts of U.S.-source income that is effectively connected with a U.S. business. Treasury and the IRS published temporary and proposed regulations addressing foreign tax credits under section 909 in 2012, published temporary and proposed regulations in 2012 and final regulations in 2014 updating the interest allocation regulations to conform to the 2010 amendments to section 864(e)(5)(A), and issued two notices providing guidance under section 901(m) in 2014. Treasury and the IRS expect to issue additional guidance on EJMAA in this fiscal year, including additional guidance under section 901(m), final regulations under section 909, and temporary and proposed regulations under section 304(b)(5)(B).

Transfers of Intangibles to Foreign Corporations. Section 367(d) of the Internal Revenue Code requires, except as provided in regulations, a U.S. person who transfers intangible property to a foreign corporation in an exchange described in section 351 or section 361 of the Code to treat the transfer as a sale for payments which are contingent upon the productivity, use, or disposition of such property, and to take into account amounts which reasonably reflect the amounts which would have been received annually in the form of such payments over the useful life of such property, or at the time of the disposition of the property. The amounts so taken into account must be commensurate with the income attributable to the intangible. Under existing temporary regulations issued in 1986, section 367(d) is made inapplicable to the transfer of ''foreign goodwill or going concern value,'' as defined in the regulations. The existing regulations provide general guidance regarding the application of section 367(d), although controversy regarding the application of section 367(d) to certain transfers led the Treasury and the IRS to publish Notice 2012–39 on July 13, 2012. Treasury and the IRS intend to issue additional guidance in this fiscal year to reduce uncertainty and controversy in this area.

Section 501(c) guidance. After reviewing over 150,000 comments submitted on the proposed regulations under section 501(c)(4) published in fiscal year 2014, Treasury and the IRS plan to issue revised proposed regulations that provide guidance under section 501(c) relating to limitations on political campaign activities of certain tax-exempt organizations.

Guidance responding to the SEC's money market reform rule. On July 23, 2014, the SEC adopted a final rule to reduce the systemic risk that money market funds present to the national economy. Later that day, IRS and the Treasury Department issued simplifying guidance designed to ameliorate the tax compliance difficulties that the SEC rule would otherwise pose to certain money market funds and their shareholders. In fiscal year 2015, the Treasury Department and the IRS intend to finalize the portion of this simplifying guidance that is only proposed.

Guidance Relating to Publicly Traded Partnerships. Section 7704 of the Internal Revenue Code provides that a partnership whose interests are traded on either an established securities market or on a secondary market (a ''publicly traded partnership'') is generally treated as a corporation for Federal tax purposes. However, section 7704(c) permits publicly traded partnerships to be treated as partnerships for Federal tax purposes if 90 percent or more of partnership income consists of ''qualifying income.'' Section 7704(d) provides that income is generally qualifying income if it is passive income or is derived from exploration, development, mining or production, processing, refining, transportation, or marketing of a mineral or natural resource. Legislative history accompanying section 7704(d) provides little insight into the intended scope of this natural resource exception, and no administrative guidance has been issued. As technologies and commercial practices in the natural resource industries have evolved, uncertainty has arisen about the proper interpretation of the natural resource exception. Treasury and the IRS intend to issue guidance in this fiscal year to reduce uncertainty in this area.

Financial Crimes Enforcement Network

As chief administrator of the Bank Secrecy Act (BSA), the Financial Crimes Enforcement Network (FinCEN) is responsible for developing and implementing regulations that are the core of the Department's anti-money laundering and counter-terrorism financing efforts. FinCEN's responsibilities and objectives are linked to, and flow from, that role. In fulfilling this role, FinCEN seeks to enhance U.S. national security by making the financial system increasingly resistant to abuse by money launderers, terrorists and their financial supporters, and other perpetrators of crime.

The Secretary of the Treasury, through FinCEN, is authorized by the BSA to issue regulations requiring financial institutions to file reports and keep records that are determined to have a high degree of usefulness in criminal, tax, or regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism. The BSA also authorizes requiring designated financial institutions to establish anti-money laundering programs and compliance procedures. To implement and realize its mission, FinCEN has established regulatory objectives and priorities to safeguard the financial system from the abuses of financial crime, including terrorist financing, money laundering, and other illicit activity. These objectives and priorities include: (1) issuing, interpreting, and enforcing compliance with regulations implementing the BSA; (2) supporting, working with, and as appropriate, overseeing compliance examination functions delegated to other Federal regulators; (3) managing the collection, processing, storage, and dissemination of data related to the BSA; (4) maintaining a government-wide access service to that same data and for network users with overlapping interests; (5) conducting analysis in support of policymakers, law enforcement, regulatory and intelligence agencies, and the financial sector; and (6) coordinating with and collaborating on anti-terrorism and anti-money laundering initiatives with domestic law enforcement and intelligence agencies, as well as foreign financial intelligence units.

During fiscal year 2014, FinCEN issued the following regulatory actions:

Amendments to the Definitions of Funds Transfer and Transmittal of Funds in the Bank Secrecy Act (BSA) Regulations. On December 5, 2013, FinCEN issued a Final Rule jointly with the Board of Governors of the Federal Reserve System amending the regulatory definitions of ''funds transfer'' and ''transmittal of funds'' under the regulations implementing the BSA. The changes maintain the existing scope to the definitions and were necessary in light of changes to the Electronic Fund Transfer Act that would have resulted in certain currently covered transactions being excluded from BSA requirements.

Anti-Money Laundering Program and Suspicious Activity Reporting (SAR) Requirements for Housing Government-Sponsored Enterprises. On February 25, 2014, FinCEN issued a Final Rule defining certain housing government-sponsored enterprises as financial institutions for the purpose of requiring them to establish anti-money laundering programs and report suspicious activity to FinCEN pursuant to the BSA.

Imposition of Special Measure against FBME Bank Ltd., formerly known as Federal Bank of the Middle East, Ltd., as a Financial Institution of Primary Money Laundering Concern. On July 22, 2014, FinCEN issued a finding that FBME Bank Ltd. (FBME) is a financial institution operating outside of the United States that is of primary money laundering concern under section 311 of the USA PATRIOT Act. On July 22, 2014, FinCEN issued an NPRM to impose the fifth special measure against the institution. The fifth special measure prohibits or conditions the opening or maintaining of correspondent or payable-through accounts for the designated institution by U.S. financial institutions. In conjunction with the NPRM, FinCEN issued an order imposing certain recordkeeping and reporting obligations on covered financial institutions and principal money transmitters with respect to transactions involving FBME.

Customer Due Diligence Requirements. On August 4, 2014, FinCEN issued a Notice of Proposed Rulemaking (NPRM) to solicit public comment on proposed rules under the BSA to clarify and strengthen customer due diligence requirements for banks, brokers or dealers in securities, mutual funds, and futures commission merchants and introducing brokers in commodities. The proposed rules contain explicit customer due diligence requirements and include a new regulatory requirement to identify beneficial owners of legal entity customers, subject to certain exemptions.

Administrative Rulings and Written Guidance. FinCEN published 13 administrative rulings and written guidance pieces, and provided 45 responses to written inquiries/correspondence interpreting the BSA and providing clarity to regulated industries.

FinCEN's regulatory priorities for fiscal year 2015 include finalizing any initiatives mentioned above that are not finalized by fiscal year end, as well as the following in-process and potential projects:

Amendment to the BSA Regulations—Definition of Monetary Instrument. On October 17, 2011, FinCEN published an NPRM regarding international transport of prepaid access devices because of the potential to substitute prepaid access for cash and other monetary instruments as a means to smuggle the proceeds of illegal activity into and out of the United States. FinCEN continues to consider the issue based on comments

received and developments in the prepaid industry. FinCEN intends to issue a supplemental NPRM to provide additional information for consideration and comment by the public.

Anti-Money Laundering Program and SAR Requirements for Investment Advisers. FinCEN has drafted an NPRM that would prescribe minimum standards for anti-money laundering programs to be established by certain investment advisers and to require such investment advisers to report suspicious activity to FinCEN. FinCEN has been working closely with the Securities and Exchange Commission on issues related to the draft NPRM.

Report of Foreign Bank and Financial Accounts. FinCEN has drafted an NPRM to address requests from filers for clarification of certain requirements regarding the Report of Foreign Bank and Financial Accounts (FBAR) including requirements with respect to employees, who have signature authority over, but no financial interest in, the foreign financial accounts of their employers.

Cross Border Electronic Transmittal of Funds. On September 27, 2010, FinCEN issued an NPRM in conjunction with the feasibility study prepared pursuant to the Intelligence Reform and Terrorism Prevention Act of 2004 concerning the issue of obtaining information about certain cross-border funds transfers and transmittals of funds. As FinCEN has continued to work on developing the system to receive, store, and use this data, FinCEN has drafted a Supplemental NPRM to update the previously published proposed rule and provide additional information to those banks and money transmitters that will become subject to the rule.

Anti-Money Laundering Program Requirements for Banks Lacking a Federal Functional Regulator. FinCEN has drafted an NPRM to remove the anti-money laundering (AML) program exemption for banks that lack a Federal functional regulator, including, but not limited to, private banks, non-federally insured credit unions, and certain trust companies. The proposed rule prescribes minimum standards for AML programs and would ensure that all banks, regardless of whether they are subject to Federal regulation and oversight, are required to establish and implement AML programs.

Amendments to the Definitions of Broker or Dealer in Securities. FinCEN has drafted an NPRM that proposes amendments to the regulatory definitions of broker or dealer in securities under the BSA regulations. The proposed changes would expand the current scope of the definitions to include funding portals and would require them to implement policies and procedures reasonably designed to achieve compliance with all of the BSA requirements that are currently applicable to brokers or dealers in securities.

Amendment to the Bank Secrecy Act Regulations—Registration, Recordkeeping, and Reporting of Money Services Businesses. FinCEN is considering issuing an NPRM to amend the requirements for money services businesses with respect to registering with FinCEN and with respect to the information reported during the registration process.

Changes to the Travel and Recordkeeping Requirements for Funds Transfers and Transmittals of Funds. FinCEN is considering changes to require that more information be collected and maintained by financial institutions on funds transfers and transmittals of funds and to lower the threshold to $1,000 from $3,000, which would bring the United States into greater compliance with several criteria in the Financial Action Task Force (FATF) standards for cross-border wire transfers.

Other Requirements. FinCEN also will continue to issue proposed and final rules pursuant to section 311 of the USA PATRIOT Act, as appropriate. Finally, FinCEN expects that it may propose various technical and other regulatory amendments in conjunction with its ongoing, comprehensive review of existing regulations to enhance regulatory efficiency, and as a result of the efforts of an interagency task force currently focusing on improvements to the U.S. regulatory framework for anti-money laundering.

Office of the Comptroller of the Currency

The primary mission of the Office of the Comptroller of the Currency (OCC) is to charter, regulate, and supervise all national banks and Federal Savings Associations (FSAs). The agency also supervises the Federal branches and agencies of foreign banks. The OCC's goal in supervising the financial institutions subject to its jurisdiction is to ensure that they operate in a safe and sound manner and in compliance with laws requiring fair treatment of their customers and fair access to credit and financial products.

Significant rules issued during fiscal year 2014 include:

Regulatory Capital Rules—Basel III (12 CFR parts 3, 5, 6, 165, 167). The OCC and the Board of Governors of the Federal Reserve System (FRB) issued a final rule that revises the risk-based and leverage capital requirements for banking organizations. (The Federal Deposit Insurance Corporation (FDIC) separately issued an interim final rule that is substantively the same as the final rule issued by the OCC and the FRB.) The final rule consolidates three separate proposed rules that were published jointly by the OCC, FRB and FDIC (the banking agencies) on August 30, 2012, 77 FR 52792, 52888, 52978, into one final rule. The final rule implements a revised 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 risk-based capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator. The final rule incorporates new requirements into the banking agencies' prompt corrective action framework and establishes limits on a banking organization's capital distributions and certain discretionary bonus payments if the banking organization does not hold a specified amount of common equity tier 1 capital in addition to the amount necessary to meet its minimum risk-based capital requirements. The final rule amends the methodologies for determining risk-weighted assets for all banking organizations and introduces disclosure requirements that would apply to top-tier banking organizations domiciled in the United States with $50 billion or more in total assets. The final rule also adopts changes required by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Pub. L. 111–203) (the Dodd-Frank Act) to implement more stringent capital and leverage requirements and to replace regulatory references to credit ratings with new creditworthiness measures. The final rule was published on October 11, 2013, 78 FR 62018.

Enhanced Supplementary Leverage Ratio (12 CFR part 3). The banking agencies issued a final rule to strengthen the leverage ratio standards for large, interconnected U.S. banking organizations. The rule applies to any U.S. top-tier bank holding company (BHC) with at least $700 billion in total consolidated assets or at least $10 trillion in assets under custody (covered BHC) and any insured depository institution (IDI) subsidiary of these BHCs. In the Basel III final rule, the banking agencies established a minimum supplementary leverage ratio of 3 percent (supplementary leverage ratio), consistent with the minimum

leverage ratio adopted by the Basel Committee on Banking Supervision, for banking organizations subject to the advanced approaches risk-based capital rules. In this final rule, the banking agencies establish a ''well capitalized'' threshold of 6 percent for the supplementary leverage ratio for any IDI that is a subsidiary of a covered BHC, under the agencies' prompt corrective action framework. The final rule was issued on May 1, 2014, 79 FR 24528.

Supplementary Leverage Ratio (12 CFR part 3). The banking agencies issued a final rule to revise the denominator of the supplementary leverage ratio (total leverage exposure) that the agencies adopted in July 2013 as part of comprehensive revisions to the agencies' regulatory capital rules (2013 capital rule). The rule revises the treatment of on- and off-balance sheet exposures for purposes of determining total leverage exposure, and more closely aligning the agencies' rules on the calculation of total leverage exposure with international leverage ratio standards. The proposed rule was issued on May 1, 2014, 79 FR 24596. The final rule was issued on September 26, 2014, 79 FR 57725.

Integration of National Bank and Federal Savings Association Regulations: Licensing Rules (12 CFR parts 4, 5, 7, 14, 32, 34, 100, 116, 143, 144, 145, 146, 150, 152, 159, 160, 161, 162, 163, 174, 192, 193). The OCC issued a proposed rule to integrate its rules relating to policies and procedures for corporate activities and transactions involving national banks and FSAs. The proposed rule also revises some of these rules in order to eliminate unnecessary requirements, consistent with safety and soundness, and to make other technical and conforming changes. The proposal also included amendments to update OCC rules for agency organization and function. The proposed rule was issued on June 10, 2014, 79 FR 33260.

Assessment of Fees (12 CFR part 8). The OCC issued a final rule to increase assessments for national banks and FSAs with assets of more than $40 billion. The increase ranges between 0.32 percent and approximately 14 percent, depending on the total assets of the institution as reflected in its June 30, 2014, Consolidated Report of Condition and Income. The average increase in assessments for affected banks and FSAs will be 12 percent. The final rule will not increase assessments for banks or FSAs with $40 billion or less in total assets. The OCC will implement the increase in assessments by issuing an amended Notice of Office of the Comptroller of the Currency Fees and Assessments, which will become effective as of the semiannual assessment due on September 30, 2014. In conjunction with the increase in assessments, the final rule updates the OCC's assessment rule to conform with section 318 of the Dodd-Frank Act, which reaffirmed the authority of the Comptroller of the Currency to set the amount of, and methodology for, assessments. The proposed rule was issued on April 28, 2014, 79 FR 23297. The final rule was issued on July 9, 2014 (79 FR 38769).

Flood Insurance (12 CFR parts 22 and 172). The banking agencies, Farm Credit Administration (FCA), and the National Credit Union Administration (NCUA) proposed revisions to their regulations regarding loans in areas having special flood hazards to implement provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 (Biggert-Waters) and the OCC issued a proposed rule to integrate its flood insurance regulations for national banks, 12 CFR part 22, and FSAs, 12 CFR part 172. The proposed rule was issued on October 30, 2013, 78 FR 65108.

OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches; Integration of Regulations (12 CFR part 30). The OCC issued a final rule adopting new Guidelines as an appendix to its safety and soundness standards regulations that establish minimum standards for the design and implementation of a risk governance framework for large insured national banks, insured FSAs, and insured Federal branches of foreign banks with average total consolidated assets of $50 billion or more and minimum standards for a board of directors in overseeing the framework's design and implementation. The standards contained in the Guidelines are enforceable by the terms of a Federal statute that authorizes the OCC to prescribe operational and managerial standards for national banks and FSAs. The proposed rule was issued on January 27, 2014, 79 FR 4282. The final rule was issued on September 11, 2014, 79 FR 54518.

Appraisals for Higher-Risk Mortgages (12 CFR parts 34, 164). The banking agencies, the Consumer Financial Protection Bureau (CFPB), Federal Housing Finance Agency (FHFA), and the NCUA, issued a final rule on February 13, 2013, 78 FR 10368, to amend Regulation Z and its official interpretation. The rule revised Regulation Z to implement a new Truth in Lending Act (TILA) provision requiring appraisals for any ''higher-risk mortgage'' that was added to TILA as part of the Dodd-Frank Act. For mortgages with an annual percentage rate that exceeds market-based prime mortgage rate benchmarks by a specified percentage, the rule generally requires creditors to obtain an appraisal or appraisals meeting certain specified standards, provide applicants with a notification regarding the use of the appraisals, and give applicants a copy of the written appraisals used. The agencies issued a supplemental rule that would exempt from the requirements of the final rule: (i) transactions secured by existing manufactured homes and not land; (ii) certain streamlined refinancings; and (iii) transactions of $25,000 or less. The supplemental final rule was issued on December 26, 2013, 78 FR 78520.

Appraisal Management Companies (12 CFR part 34). The banking agencies, FHFA, NCUA and CFPB, issued a proposed rule that would set minimum standards for state registration and regulation of appraisal management companies. The rule would implement the minimum requirements in section 1473 of the Dodd-Frank Act to be applied by states in the registration of appraisal management companies. It also would implement the requirement in section 1473 of the Dodd-Frank Act for States to report to the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council the information needed by the ASC to administer the national registry of appraisal management companies. The proposed rule was issued on April 9, 2014, 79 FR 19521.

Prohibition and Restrictions on Proprietary Trading and Certain Interests In, and Relationships with, Hedge Funds and Private Equity Funds (12 CFR part 44). The banking agencies, the Securities & Exchange Commission (SEC), and the Commodity Futures Trading Commission (CFTC) issued final rules to implement section 619 of the Dodd-Frank Act, which contains certain prohibitions and restrictions on the ability of banking entities and nonbank financial companies supervised by the FRB to engage in proprietary trading and have certain investments in, or relationships with, hedge funds or private equity funds. The final rule was issued on January 31, 2014, 79 FR 5536.

Treatment of Certain Collateralized Debt Obligations Backed Primarily by Trust Preferred Securities With Regard to Prohibitions and Restrictions on Certain Interests in, and Relationships With, Hedge Funds and Private Equity Funds (12 CFR part 44). The banking agencies, the CFTC, and the SEC issued an interim final rule that would permit

banking entities to retain investments in certain pooled investment vehicles that invested their offering proceeds primarily in certain securities issued by community banking organizations of the type grandfathered under section 171 of the Dodd-Frank Act. The interim final rule was issued on January 31, 2014, 79 FR 5223.

Margin and Capital Requirements for Covered Swap Entities (12 CFR part 45). The banking agencies, FCA, and the FHFA issued a proposed rule to establish minimum margin and capital requirements for registered swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants for which one of the agencies is the prudential regulator. The proposed rule will implement sections 731 and 764 of the Dodd-Frank Act, which require the agencies to adopt rules jointly to establish capital requirements and initial and variation margin requirements for such entities on all non-cleared swaps and non-cleared security-based swaps in order to offset the greater risk to such entities and the financial system arising from the use of swaps and security-based swaps that are not cleared. The proposed rule was issued on September 24, 2014, 79 FR 57347).

Liquidity Coverage Ratio (12 CFR 50). The banking agencies issued a final rule to implement a quantitative liquidity requirement consistent with the liquidity coverage ratio standard established by the Basel Committee on Banking Supervision. The requirement is designed to promote improvements in the measurement and management of liquidity risk. The final rule applies to all internationally active banking organizations, that is, banking organizations with more than $250 billion in total assets or more than $10 billion in on-balance sheet foreign exposure, and to consolidated subsidiary depository institutions of internationally active banking organizations with $10 billion or more in total consolidated assets. The proposed rule was issued on November 29, 2013, 78 FR 71818. The final rule was issued on October 10, 2014, 79 FR 61439.

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (12 CFR chapter I). The banking agencies are conducting a review of the regulations they have issued to identify outdated, unnecessary, or unduly burdensome regulations for insured depository institutions. This review is required by section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA). The first of four **Federal Register** requests for comment was issued on June 4, 2014, 79 FR 32172.

Regulatory priorities for fiscal year 2015 include finalizing the proposals and interim final rules listed above as well as the following rulemakings:

Flood Insurance (12 CFR parts 22 and 172). The banking agencies, FCA, and NCUA plan to issue a proposed rule to amend their regulations regarding loans in areas having special flood hazards to implement certain provisions of the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA), which amends some of the changes to the Flood Disaster Protection Act of 1973 mandated by Biggert-Waters. The proposal would establish requirements with respect to the escrow of flood insurance payments, consistent with the changes set forth in HFIAA. The proposal also would implement an exclusion in HFIAA for certain detached structures from the mandatory flood insurance purchase requirement.

Automated Valuation Models (Parts 34, 164). The banking agencies, NCUA, FHFA and CFPB, in consultation with the Appraisal Subcommittee and the Appraisal Standards Board of the Appraisal Foundation, are required to promulgate regulations to implement quality-control standards required for automated valuation models. Section 1473(q) of the Dodd-Frank Act requires that automated valuation models used to estimate collateral value for mortgage lending comply with quality-control standards designed to: ensure a high level of confidence in the estimates produced by automated valuation models; protect against manipulation of data; seek to avoid conflicts of interest; require random sample testing and reviews and account for other factors the agencies deem appropriate. The agencies plan to issue a proposed rule to implement the requirement for quality-control standards.

Incentive-Based Compensation Arrangements (12 CFR part 42). Section 956 of the Dodd-Frank Act requires the banking agencies, NCUA, SEC, and FHFA, to jointly prescribe regulations or guidance prohibiting any type of incentive-based payment arrangement, or any feature of any such arrangement, that the regulators determine encourages inappropriate risks by covered financial institutions by providing an executive officer, employee, director, or principal shareholder with excessive compensation, fees or benefits, or that could lead to material financial loss to the covered financial institution. The Dodd-Frank Act also requires such agencies to jointly prescribe regulations or guidance requiring each covered financial institution to disclose to its regulator the structure of all incentive-based compensation arrangements offered by such institution sufficient to determine whether the compensation structure provides any officer, employee, director, or principal shareholder with excessive compensation or could lead to material financial loss to the institution. The proposed rule was issued on April 14, 2011, 76 FR 21170. Work on a final rule is underway.

Credit Risk Retention (12 CFR part 43). The banking agencies, SEC, FHFA, and the Department of Housing and Urban Development proposed rules to implement the credit risk retention requirements of section 15G of the Securities Exchange Act of 1934 (15 U.S.C. 78o–11), as added by section 941 of the Dodd-Frank Act. Section 15G generally requires the securitizer of asset-backed securities to retain not less than 5 percent of the credit risk of the assets collateralizing the asset-backed securities. Section 15G includes a variety of exemptions from these requirements, including an exemption for asset-backed securities that are collateralized exclusively by residential mortgages that qualify as ''qualified residential mortgages,'' as such term is defined by the agencies by rule. The proposal was issued on September 20, 2013, 78 FR 57928. Work on a final rule is underway.

Source of Strength (12 CFR part 47). The banking agencies plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Act. Section 616(d) requires that bank holding companies, savings and loan holding companies and companies that directly or indirectly control an insured depository institution serve as a source of strength for the insured depository institution. The appropriate Federal banking agency for the insured depository institution may require that the company submit a report that would assess the company's ability to comply with the provisions of the statute and its compliance.

Terrorism Risk Insurance Program Office

The Terrorism Risk Insurance Act of 2002 (TRIA) was signed into law on November 26, 2002. The law, which was enacted as a consequence of the events of September 11, 2001, established a temporary Federal reinsurance program under which the Federal Government shares the risk of losses associated with certain types of terrorist acts with commercial property and casualty insurers. The Act, originally scheduled

to expire on December 31, 2005, was extended to December 31, 2007, by the Terrorism Risk Insurance Extension Act of 2005 (TRIEA). The Act has since been extended to December 31, 2014, by the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA). Congress is currently considering extending the Act for an additional period of time.

The Office of the Assistant Secretary for Financial Institutions is responsible for developing and promulgating regulations implementing TRIA, as extended and amended by TRIEA and TRIPRA. The Terrorism Risk Insurance Program Office, which is part of the Office of the Assistant Secretary for Financial Institutions, is responsible for operational implementation of TRIA. The purposes of this legislation are to address market disruptions, ensure the continued widespread availability and affordability of commercial property and casualty insurance for terrorism risk, and to allow for a transition period for the private markets to stabilize and build capacity while preserving State insurance regulation and consumer protections.

In the event Congress extends the Program Treasury will continue the ongoing work of implementing TRIA and any changes contained in the extension of the Act.

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS (VA)

Statement of Regulatory Priorities

The Department of Veterans Affairs (VA) administers benefit programs that recognize the important public obligations to those who served this Nation. VA's regulatory responsibility is almost solely confined to carrying out mandates of the laws enacted by Congress relating to programs for veterans and their families. VA's major regulatory objective is to implement these laws with fairness, justice, and efficiency.

Most of the regulations issued by VA involve at least one of three VA components: The Veterans Benefits Administration, the Veterans Health Administration, and the National Cemetery Administration. The primary mission of the Veterans Benefits Administration is to provide high-quality and timely nonmedical benefits to eligible veterans and their dependents. The primary mission of the Veterans Health Administration is to provide high-quality health care on a timely basis to eligible veterans through its system of medical centers, nursing homes, domiciliaries, and outpatient medical and dental facilities. The primary mission of the National Cemetery Administration is to bury eligible veterans, members of the Reserve components, and their dependents in VA National Cemeteries and to maintain those cemeteries as national shrines in perpetuity as a final tribute of a grateful Nation to commemorate their service and sacrifice to our Nation.

VA Regulatory Priorities

VA's regulatory priorities include a special project to undertake a comprehensive review and improvement of its existing regulations. The first portion of this project is devoted to reviewing, reorganizing, and rewriting the VA's compensation and pension regulations found in 38 CFR part 3. The goal of the Regulation Rewrite Project is to improve the clarity and consistency of these regulations to make them easier to find, read, understand, and apply.

A second VA regulatory priority is to implement title I of the Veterans Access, Choice, and Accountability Act of 2014, which was signed into law on August 7, 2014. The purpose of the new law is to establish a program to furnish hospital care and medical services through non-VA health care providers to veterans who either cannot be seen within VA's wait time goals or who live far from any VA medical facility. The statute requires that VA publish an interim final rule by November 5, 2014, and VA met this deadline when we published AP24, Expanded Access to Non-VA Care through the Veterans Choice Program.

A third VA regulatory priority is to codify Section 707 of the Act, which gives the Secretary more authority to dismiss members of the Senior Executive Service based on performance or misconduct. As VA announced on October 6, 2014, the Secretary is already implementing that provision. To codify the new statute into the Code of Federal Regulations, VA plans to publish a rulemaking, AP30, Changes to Expedited Senior Executive Removal Authority, as an interim final rule.

VA is also drafting regulation AP29 to implement Section 702 of the Act which requires that public colleges charge in-state tuition for veterans under certain circumstances.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Some of these entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final agency plans can be found at: *http://www.va.gov/ORPM/docs/RegMgmt_VA_EO13563_RegRevPlan20110810.docx*.

RIN	Title	Significantly reduce burdens on small businesses
2900–AO13*	VA Compensation and Pension Regulation Rewrite Project	No

*Consolidating Proposed Rules: 2900–AL67, AL70, AL71, AL72, AL74, AL76, AL82, AL83, AL84, AL87, AL88, AL89, AL94, AL95, AM01, AM04, AM05, AM06, AM07, AM16.

VA

Final Rule Stage

121. • Expedited Senior Executive Removal Authority

Priority: Other Significant.

Legal Authority: Pub. L. 113–146 (title VII, sec 707).

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: VA will amend its regulations to provide that the Secretary may immediately remove or demote any individual from the Senior Executive Service (SES), and title 38 SES equivalents, if the Secretary determines the performance of the individual warrants such removal. The senior executive would be allowed an opportunity for an expedited review by

the MSPB be conducted by an Administrative Judge at the MSPB, and if the MSPB Administrative Judge does not conclude their review within 21 days then the removal or demotion is final. (MSPB is conducting a rulemaking to establish and implement a process to conduct expedited reviews.)

VA regulations would also state that if the senior executive is removed, and then appeals VA's decision, the senior executive is not entitled to any type of pay, bonus, or benefit while appealing the decision of removal. Also, VA regulations would state that if a senior executive is demoted, and then appeals VA's decision, the employee may only receive any type of pay, bonus, or benefit at the rate appropriate for the position they were demoted to, and only if the individual shows up for duty, while appealing the decision of demotion.

VA regulations would also include ''misconduct'' along with ''poor performance'' as a reason to remove or demote a senior executive.

Statement of Need:

Summary of Legal Basis: Section 707 of the Veterans Access, Choice, and Accountability Act of 2014, which was signed into law on August 7, 2014, gives the Secretary more authority to dismiss members of the Senior Executive Service based on performance or misconduct. As VA announced on October 6, 2014, the Secretary is already implementing that provision. To codify the new statute into the Code of Federal Regulations, VA plans to publish a rulemaking as an interim final rule.

Alternatives:

Anticipated Cost and Benefits:

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Kimberly McLeod, Deputy Assistant General Counsel, Department of Veterans Affairs, 810 Vermont Avenue NW., DC 20420, *Phone:* 202 461–7630.

RIN: 2900–AP30

BILLING CODE 8320–01–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Statement of Regulatory and Deregulatory Priorities

The Architectural and Transportation Barriers Compliance Board (Access Board) is an independent federal agency established by section 502 of the Rehabilitation Act (29 U.S.C. 792). The Access Board is responsible for developing accessibility guidelines and standards under various laws to ensure that individuals with disabilities have access to and use of buildings and facilities, transportation vehicles, information and communication technology, and medical diagnostic equipment. Other Federal agencies adopt the accessibility guidelines and standards issued by the Access Board as mandatory requirements for entities under their jurisdiction.

This plan highlights five rulemaking priorities for the Access Board in FY 2015: (A) Information and Communication Technology Accessibility Standards and Guidelines; (B) Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles; (C) Medical Diagnostic Equipment Accessibility Standards; (D) Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way; and (E) Americans with Disabilities (ADA) Accessibility Guidelines for Passenger Vessels. The guidelines and standards would enable individuals with disabilities to achieve greater participation in our society, independent living, and economic self-sufficiency, and would promote our national values of equity, human dignity, and fairness, the benefits of which are difficult to quantify.

The rulemakings are summarized below.

A. Information and Communication Technology Accessibility Standards and Guidelines (RIN: 3014–AA37)

This rulemaking would update in a single document the accessibility standards for electronic and information technology covered by section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d) (Section 508), and the accessibility guidelines for telecommunications equipment and customer premises equipment covered by section 255 of the Communications Act of 1934 (47 U.S.C. 255) (Section 255). Section 508 requires the Federal Acquisition Regulatory Council (FAR Council) and each appropriate Federal department or agency to revise their procurement policies and directives no later than 6 months after the Access Board's publication of standards. The FAR Council has incorporated the accessibility standards for electronic and information technology in the Federal Acquisition Regulation (48 CFR Chapter 1). Under Section 255, the Federal Communications Commission (FCC) is responsible for issuing implementing regulations and enforcing Section 255. The FCC has promulgated enforceable standards (47 CFR parts 6 and 7) implementing Section 255 that are consistent with the Access Board's accessibility guidelines for telecommunications equipment and customer premises equipment.

The Access Board's 2010 ANPRM included a proposal to amend Section 220 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG), but, based on public comments, the ADAAG proposal is no longer included in this rulemaking and will be pursued separately at a later date.

A.1. *Statement of Need:* The Access Board issued the Electronic and Information Technology Accessibility Standards in 2000 (65 FR 80500, December 21, 2000), and the Telecommunications Act Accessibility Guidelines for telecommunications equipment and customer premises equipment in 1998 (63 FR 5608, February 3, 1998). Since the standards and the guidelines were issued, technology has evolved and changed. Telecommunications products and electronic and information technology products have converged. For example, smartphones can perform many of the same functions as computers. Real time text technologies and video relay services are replacing TTY's (text telephones). The Access Board is updating the standards and guidelines together to address changes in technology and to make them consistent.

A.2. *Summary of the Legal Basis:* Section 508 and Section 255 require the Access Board to develop accessibility standards for electronic and information technology and accessibility guidelines for telecommunications equipment and customer premises equipment, and to periodically review and update the standards and guidelines to reflect technological advances and changes.

Section 508 requires that when developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency must ensure, unless an undue burden would be imposed on the department or agency, that electronic and information technology (regardless of the type of medium) allows individuals with disabilities to have access to and use of information and

data that is comparable to the access and use of the information and data by others without disabilities. Section 255 requires telecommunications manufacturers to ensure that telecommunications equipment and customer premises equipment are designed, developed, and fabricated to be accessible to and usable by individuals with disabilities when it is readily achievable to do so.

A.3. *Alternatives:* The Access Board established a Telecommunications and Electronic and Information Technology Advisory Committee to recommend changes to the existing standards and guidelines. The advisory committee was comprised of a broad cross-section of stakeholders, including representatives from industry, disability groups, and government agencies from the U.S., the European Commission, Canada, Australia, and Japan. Recognizing the importance of standardization across markets worldwide, the advisory committee coordinated its work with standard-setting bodies in the U.S. and abroad, such as the World Wide Web Consortium (W3C). The Access Board published Advance Notices of Proposed Rulemaking (ANPRMs) in the **Federal Register** in 2010 and 2011 requesting public comments on draft updates to the standards and guidelines (75 FR 13457, March 22, 2010; and 76 FR 76640, December 8, 2011). The Notice of Proposed Rulemaking (NPRM) will be based on the advisory committee's report and public comments on the ANPRMs.

The Access Board expects that the Information and Communication Technology Standards and Guidelines will have international influence, and has engaged extensive outreach efforts to standard-setting bodies in the U.S. and abroad such as the World Wide Web Consortium and to other countries, including the European Commission, Canada, Australia, and Japan.

A.4. *Anticipated Costs and Benefits:* The Access Board is working with a contractor to assess costs and benefits and prepare a preliminary regulatory impact assessment to accompany the NPRM. Baseline cost estimates of complying with Section 508 and Section 255 are made, and incremental costs due to the revised or new requirements are estimated for federal agencies and telecommunications equipment manufacturers. Anticipated benefits are also numerous, including hard-to quantify benefits such as increased ability for people with disabilities to obtain information and conduct transactions electronically. The preliminary regulatory impact assessment will be available at *www.access-board.gov* once the NPRM is published.

B. Americans With Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles (RIN: 3014–AA38)

This rulemaking would update the accessibility guidelines for buses, over-the-road buses, and vans covered by the Americans with Disabilities Act (ADA). The accessibility guidelines for other transportation vehicles covered by the ADA, including vehicles operated in fixed guideway systems (*e.g.,* rapid rail, light rail, commuter rail, high speed rail and intercity rail) would be updated in a future rulemaking. The guidelines ensure that transportation vehicles covered by the ADA are readily accessible to and usable by individuals with disabilities. The U.S. Department of Transportation (DOT) has issued enforceable standards (49 CFR part 37) that apply to the acquisition of new, used, and remanufactured transportation vehicles, and the remanufacture of existing transportation vehicles covered by the ADA. DOT is expected to update its standards in a separate rulemaking to be consistent with the updated guidelines.

B.1. *Statement of Need:* The Access Board issued the ADA Accessibility Guidelines for Transportation Vehicles in 1991, and amended the guidelines in 1998 to include additional requirements for over-the-road buses. Level boarding bus systems were introduced in the U.S. after the 1991 guidelines were issued. We are revising the 1991 guidelines to include new requirements for level boarding bus systems, automated stop and route announcements, and other changes.

B.2. *Summary of the Legal Basis:* Title II of the ADA applies to State and local governments and Title III of the ADA applies to places of public accommodation operated by private entities. The ADA covers designated public transportation services provided by State and local governments and specified public transportation services provided by private entities that are primarily engaged in the business of transporting people and whose operations affect commerce. (See 42 U.S.C. 12141 to 12147 and 12184.) Bus rapid transit systems, including level boarding bus systems, that provide public transportation services, are covered by the ADA.

The Access Board is required by the ADA and the Rehabilitation Act to establish and maintain guidelines for the accessibility standards adopted by DOT for transportation vehicles acquired or manufactured by entities covered by the ADA. Compliance with the new guidelines is not required until DOT revises its accessibility standards for transportation vehicles acquired or remanufactured by entities covered by the ADA to be consistent with the new guidelines.

B.3. *Alternatives:* The Access Board issued a proposed rule to revise the 1991 guidelines for buses, over-the-road buses, and vans in 2010. The proposed rule, comments on the proposed rule, correspondence received after the close of the initial comment period, and records and transcripts of meetings on the new ramp designs are available in the rulemaking docket at: *http://www.regulations.gov/#!docketDetail;D=ATBCB-2010-0004*. The final rule is based on the NPRM and public comments on the NPRM.

B.4. *Anticipated Costs and Benefits:* Incremental compliance costs are estimated for new requirements for over-the-road buses, such as displaying the International Symbol of Accessibility on the window adjacent to wheelchair spaces and displaying the destination or route signs on the front as well as the boarding side of the vehicles. This rulemaking would enable persons who have mobility disabilities, persons who have difficulty hearing or are deaf, and persons who have difficulty seeing or are blind to use transportation services. A full regulatory impact analysis will be available at *www.access-board.gov*, once the final rule is published.

C. Medical Diagnostic Equipment Accessibility Standards (RIN: 3014–AA40)

The Access Board plans to issue a final rule establishing accessibility standards for medical diagnostic equipment used in or in conjunction with medical settings such as physicians' offices, clinics, emergency rooms, and hospitals. The standards will contain minimum technical criteria to ensure that medical diagnostic equipment, including examination tables, examination chairs, weight scales, mammography equipment, and other imaging equipment used by health care providers for diagnostic purposes are accessible to and usable by individuals with disabilities. The Access Board published a NPRM in the **Federal Register** in 2012, 77 FR 6916, February 9, 2012.

C.1. *Statement of Need:* A national survey of a diverse sample of individuals with a wide range of disabilities, including mobility and sensory disabilities, showed that the respondents had difficulty getting on and off examination tables and chairs,

radiology equipment and weight scales, and experienced problems with physical comfort, safety and communication. Focus group studies of individuals with disabilities also provided information on barriers that affect the accessibility and usability of various types of medical diagnostic equipment. The national survey and focus group studies are discussed in the NPRM.

C.2. *Summary of the Legal Basis:* Section 4203 of the Patient Protection and Affordable Care Act (Pub. L. 111–148, 124 Stat. 570) amended Title V of the Rehabilitation Act, which establishes rights and protections for individuals with disabilities, by adding section 510 to the Rehabilitation Act (29 U.S.C. 794f) (Section 510). Section 510 requires the Access Board, in consultation with the Commissioner of the Food and Drug Administration (FDA), to develop standards that contain minimum technical criteria to ensure that medical diagnostic equipment used in or in conjunction with medical settings such as physicians' offices, clinics, emergency rooms, and hospitals are accessible to and usable by individuals with disabilities.

Section 510 does not address who is required to comply with the standards. However, the Americans with Disabilities Act require health care providers to provide individuals with disabilities full and equal access to their health care services and facilities. The U.S. Department of Justice (DOJ) is responsible for issuing regulations to implement the Americans with Disabilities Act and enforcing the law. The NPRM discusses DOJ activities related to health care providers and medical diagnostic equipment.

C.3. *Alternatives:* The Access Board worked with the FDA and DOJ in developing the standards. The Access Board considered the Association for the Advancement of Medical Instrumentation's ANSI/AAMI HE 75:2009, ''Human factors engineering—Design of medical devices,'' which includes recommended practices to provide accessibility for individuals with disabilities. The Access Board also established a Medical Diagnostic Equipment Accessibility Standards Advisory Committee that included representatives from the disability community and manufacturers of medical diagnostic equipment to make recommendations on issues raised in public comments and responses to questions in the NPRM. The final rule will be based on the public comments and recommendations of the advisory committee.

C.4. *Anticipated Costs and Benefits:* The Access Board is working to assess costs and benefits and prepare a preliminary regulatory impact assessment to accompany the final rule. The standards would address many of the barriers that have been identified as affecting the accessibility and usability of diagnostic equipment by individuals with disabilities. The standards would facilitate independent transfers by individuals with disabilities onto and off of diagnostic equipment, and enable them to maintain their independence, confidence, and dignity, lessening the need for health care personnel to assist individuals with disabilities when transferring on and off of diagnostic equipment. The standards would improve the quality of health care for individuals with disabilities and ensure that they receive examinations, diagnostic procedures, and other health care services equivalent to those received by individuals without disabilities.

D. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (RIN: 3014–AA26)

The rulemaking would establish accessibility guidelines to ensure that sidewalks and pedestrian facilities in the public right-of-way are accessible to and usable by individuals with disabilities. A Supplemental Notice of Proposed Rulemaking consolidated this rulemaking with RIN 3014–AA41; accessibility guidelines for shared use paths (which are multi-use paths designed primarily for use by bicyclists and pedestrians, including persons with disabilities, for transportation and recreation purposes). The U.S. Department of Justice, U.S. Department of Transportation, and other Federal agencies are expected to adopt the accessibility guidelines for pedestrian facilities in the public right-of-way and for shared use paths, as enforceable standards in separate rulemakings for the construction and alteration of facilities covered by the Americans with Disabilities Act, section 504 of the Rehabilitation Act, and the Architectural Barriers Act.

D.1. *Statement of Need:* While the Access Board has issued accessibility guidelines for the design, construction, and alteration of buildings and facilities covered by the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA) (36 CFR part 1191), these guidelines were developed primarily for buildings and facilities on sites. Some of the provisions in these guidelines can be readily applied to pedestrian facilities in the public right-of-way such as curb ramps. However, other provisions need to be adapted or new provisions developed for pedestrian facilities that are built in the public right-of-way as well as shared use paths.

D.2. *Summary of the Legal Basis:* Section 502(b)(3) of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 792(b)(3), requires the Access Board to establish and maintain minimum guidelines for the standards issued by other agencies pursuant to the ADA and ABA. In addition, section 504 of the ADA, 42 U.S.C. 12204, required the Access Board to issue accessibility guidelines for buildings and facilities covered by that law.

D.3. *Alternatives:* The Access Board established a Public Rights-of-Way Access Advisory Committee to make recommendations for the guidelines. The advisory committee was comprised of a broad cross-section of stakeholders, including representatives for State and local government agencies responsible for constructing facilities in the public right-of-way, transportation engineers, disability groups, and bicycling and pedestrian organizations. The Access Board released two drafts of the guidelines for public comment and an NPRM based on the advisory committee report and public comments on the draft guidelines. The final rule will be based on the NPRM and public comments on the NPRM.

D.4. *Anticipated Costs and Benefits:* The Access Board identified four provisions in the NPRM that were expected to have more than minimal monetary impacts on State and local governments. Three of these four requirements are related to: (1) detectable warning surfaces on newly constructed and altered curb ramps and blended transitions at pedestrian street crossings; (2) accessible pedestrian signals and pushbuttons when pedestrian signals are newly installed or replaced at signalized intersections; and (3) pedestrian activated signals at roundabouts with multi-lane pedestrian crossings. In addition, the fourth requirement for provision of a two percent maximum cross slope on pedestrian access routes within pedestrian street crossings with yield or stop control was estimated to have more than minimal monetary impacts on State and local governments when constructing roadways with pedestrian crossings in hilly areas. The NPRM included questions requesting information to assess the costs and benefits of these provisions, as well as other provisions that may have cost impacts. The Access Board will prepare a final regulatory impact assessment to accompany the final rule based on

information provided in response to questions in the NPRM and other sources.

E. Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels (RIN: 3014–AA11)

The rulemaking would establish accessibility guidelines to ensure that newly constructed and altered passenger vessels covered by the Americans with Disabilities Act (ADA) are accessible to and usable by individuals with disabilities. The U.S. Department of Transportation and U.S. Department of Justice are expected to adopt the guidelines as enforceable standards in separate rulemakings for the construction and alteration of passenger vessels covered by the ADA.

E.1. *Statement of Need:* Section 504 of the ADA requires the Access Board to issue accessibility guidelines for the construction and alteration of passenger vessels covered by the law to ensure that the vessels are readily accessible to and usable by individuals with disabilities (42 U.S.C. 12204).

E.2. *Summary of the Legal Basis:* Title II of the ADA applies to State and local governments and title III of the ADA applies to places of public accommodation operated by private entities. The ADA covers designated public transportation services provided by State and local governments and specified public transportation services provided by private entities that are primarily engaged in the business of transporting people and whose operations affect commerce. (See 42 U.S.C. 12141 to 12147 and 12184.)

Titles II and III of the ADA require the DOT and DOJ to issue accessibility standards for the construction and alteration of passenger vessels covered by the law that are consistent with the guidelines issued by the Access Board. (See 42 U.S.C. 12134(c), 12149(b), 12186(c).) The DOT has reserved a subpart in its ADA regulations for accessibility standards for passenger vessels in anticipation of the Access Board issuing these guidelines. (See 49 CFR part 39, subpart E.) Once DOT and DOJ issue accessibility standards for the construction and alteration of passenger vessels covered by the ADA, vessel owners and operators are then required to comply with the standards.

E.3. *Alternatives:* In developing the proposed accessibility guidelines, the Access Board has received and considered extensive input from passenger vessel owners and operators, individuals with disabilities, and other interested parties for more than a decade. The Access Board convened an advisory committee comprised of passenger vessel industry trade groups, passenger vessel owners and operators, disability advocacy groups, and State and local government agencies to advise how to develop the accessibility guidelines. The committee submitted its report to the Access Board in 2000. In addition, over the years, the Access Board issued an ANPRM and three versions of draft accessibility guidelines and conducted in-depth case studies on various passenger vessels. The Access Board solicited and analyzed public comments on these documents in developing the proposed guidelines and regulatory impact analysis. All the published documents together with public comments are available at: *http://www.access-board.gov*.

E.4. *Anticipated Costs and Benefits:* The proposed guidelines would address the discriminatory effects of architectural, transportation, and communication barriers encountered by individuals with disabilities on passenger vessels. The estimated compliance costs for certain types of vessels include: (1) the incremental impact of constructing a vessel in compliance with the guidelines; and (2) any additional costs attributable to the operation and maintenance of accessible features. For certain large cruise ships, the compliance costs would include loss of guest rooms and gross revenues attributed to a proposed requirement for a minimum number of guest rooms that provide mobility features. The proposed guidelines would significantly benefit individuals with disabilities by affording them equal opportunity to travel on passenger vessels for employment, transportation, public accommodation, and leisure. Other benefits, which are difficult to quantify, include equity, human dignity, and fairness values.

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ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement of Priorities

Overview

For more than 40 years, the U.S. Environmental Protection Agency (EPA) has worked to protect people's health and the environment. By taking advantage of the best thinking, the newest technologies and the most cost-effective, sustainable solutions, EPA has fostered innovation and cleaned up pollution in the places where people live, work, play and learn.

With a renewed focus on the challenges ahead, science, law and transparency continue to guide EPA decisions. EPA will leverage resources with grant- and incentive-based programs, sound scientific advice, technical and compliance assistance and tools that support states, tribes, cities, towns, rural communities and the private sector in their efforts to address our shared challenges, including:

- making a visible difference in communities across the country;
- addressing climate change and improving air quality;
- taking action on toxics and chemical safety;
- protecting water: a precious, limited resource;
- launching a new era of state, tribal and local partnership; and
- working toward a sustainable future.

EPA and its federal, state, local, and community partners have made enormous progress in protecting the nation's health and environment. From reducing mercury and other toxic air pollution to reducing greenhouse gas (GHG) emissions, doubling the fuel efficiency of our cars and trucks, the Agency is working to save lives and protect the environment. In addition, while removing a billion tons of pollution from the air, the Agency has produced hundreds of billions of dollars in benefits for the American people.

Highlights of EPA'S Regulatory Plan

EPA's more than forty years of protecting human health and the environment demonstrates our nation's commitment to reducing pollution that can threaten the air we breathe, the water we use and the communities we live in. This Regulatory Plan contains information on some of our most important upcoming regulatory actions. As always, our Semiannual Regulatory Agenda contains information on a broader spectrum of EPA's upcoming regulatory actions.

Six Guiding Priorities

The EPA's success depends on supporting innovation and creativity in both what we do and how we do it. To guide the agency's efforts, the Agency has established several guiding priorities. These priorities are enumerated in the list that follows, along with recent progress and future objectives for each.

1. Making a Visible Difference in Communities Across the Country

Safe Disposal and Management of Coal Combustion Residuals. Coal combustion residuals (CCRs), often referred to as coal ash, are currently considered Bevill exempt wastes under the Resource Conservation and

Recovery Act (RCRA). They are residues from the combustion of coal in power plants and are captured by pollution control technologies, like scrubbers. Potential environmental concerns from coal ash management include groundwater contamination from leaking surface impoundments and landfills and structural failures of surface impoundments. The need for national criteria was emphasized by the December 2008 spill of coal ash from a surface impoundment at the Tennessee Valley Authority's plant in Kingston, TN. The tragic spill flooded more than 300 acres of land with coal ash, which flowed into the Emory and Clinch rivers. On June 21, 2010, the EPA proposed to regulate for the first time coal ash to address the risks from the management of these wastes that are generated by electric utilities and independent power producers. The Agency received over 450,000 comments on the proposal. Under a consent decree, a final rule must be signed by the Administrator no later than December 19, 2014.

Environmental Justice in Rulemaking. The year 2014 represents the 20th anniversary of President Clinton's issuance of the Executive order directing all Federal agencies to engage in a Governmentwide effort and issue strategies to address environmental justice issues.

EPA has made significant progress in areas critical to advancing environmental justice and making a visible difference in communities, including rulemaking, permitting, compliance and enforcement, community-based programs and our work with other federal agencies. We have developed the critical legal, science, and screening tools to help support our efforts in working with and in communities.

2. Addressing Climate Change and Improving Air Quality

The Agency will continue to deploy existing regulatory tools where appropriate and warranted. Addressing climate change calls for coordinated national and global efforts to reduce emissions and develop new technologies that can be deployed. Using the Clean Air Act, EPA will continue to develop greenhouse gas standards for both mobile and stationary sources.

Greenhouse Gas Emission Standards for Power Plants. As part of the President's Climate Action Plan, in September 2013, the EPA proposed standards to limit carbon pollution from new power plants yet to be built. This past June, we proposed carbon pollution standards for existing power plants, the Clean Power Plan. We plan to finalize standards for both new and existing plants in 2015. When finalized, these standards and guidelines will establish achievable limits of carbon pollution from future plants. By 2030 carbon emissions from existing plants are estimated to be reduced by 30% from 2005 levels.

Heavy-Duty Vehicles GHG Emission Standards. In 2011, in cooperation with the Department of Transportation (DOT), EPA issued the first-ever Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles for model years 2014–2018. In 2015, EPA and DOT will propose a second set of standards to further reduce greenhouse gas emissions and fuel consumption from a wide range of on-road vehicles from semi-trucks to the largest pickup trucks and vans and all types and sizes of work trucks and buses. This action is another important component of the President's Climate Action Plan.

Reviewing and Implementing Air Quality Standards. Despite progress, millions of Americans still live in areas that exceed one or more of the national air pollution standards. This year's regulatory plan describes efforts to review the primary National Ambient Air Quality Standards (NAAQS) for ozone and lead, as well as a rule to guide States in implementing the ozone, particulate matter, and other air quality standards.

Cleaner Air from Improved Technology. EPA continues to address hazardous air pollution under authority of the Clean Air Act Amendments of 1990. The centerpiece of this effort is the ''Maximum Achievable Control Technology'' (MACT) program, which requires that all major sources of a given type use emission controls that better reflect the current state of the art. In May of 2015, EPA expects to complete a review of existing MACT standards for Petroleum Refineries to reduce residual risk and assure that the standards reflect current technology.

3. Taking Action on Toxics and Chemical Safety

One of EPA's highest priorities is to make significant progress in assuring the safety of chemicals. Using sound science as a compass, EPA protects individuals, families, and the environment from potential risks of pesticides and other chemicals. In its implementation of these programs, EPA uses several different statutory authorities, including the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Federal Food, Drug and Cosmetic Act (FFDCA), the Toxic Substances Control Act (TSCA) and the Pollution Prevention Act (PPA), as well as collaborative and voluntary activities. In FY 2014, the Agency will continue to satisfy its overall directives under these authorities and highlights the following actions in this Regulatory Plan:

EPA's Existing Chemicals Management Program Under TSCA. As part of EPA's ongoing efforts to ensure the safety of chemicals, EPA plans to take a range of identified regulatory actions for certain chemicals and assess other chemicals to determine if risk reduction action is needed to address potential concerns.

Addressing Formaldehyde Used in Composite Wood Products. As directed by the Formaldehyde Standards for Composite Wood Products Act of 2010, EPA is developing final regulations to address formaldehyde emissions from hardwood plywood, particleboard and medium-density fiberboard that is sold, supplied, offered for sale, or manufactured in the United States.

Lead in Public and Commercial Buildings. As directed by TSCA section 402(c)(3), EPA is developing a proposed rule to address renovation or remodeling activities that create lead-based paint hazards in pre-1978 public buildings and commercial buildings. EPA previously issued a final rule to address lead-based paint hazards created by these activities in target housing and child-occupied facilities.

Reassessment of PCB Use Authorizations. When enacted in 1978, TSCA banned the manufacture, processing, distribution in commerce, and use of polychlorinated biphenyls (PCBs), except when uses would pose no unreasonable risk of injury to health or the environment. EPA is reassessing certain ongoing, authorized uses of PCBs that were established by regulation in 1979, including the use, distribution in commerce, marking and storage for reuse of liquid PCBs in electric equipment, to determine whether those authorized uses still meet TSCA's ''no unreasonable risk'' standard. EPA plans to propose the revocation or revision of any PCBs use authorizations included in this reassessment that no longer meet the TSCA standard.

Enhancing Agricultural Worker Protection. Based on years of extensive stakeholder engagement and public meetings, EPA is acting to enhance the pesticide worker safety program. EPA plans to issue final amendments to the agricultural worker protection regulation that strengthens protections for agricultural farm workers and

pesticide handlers. The rule is expected improve pesticide safety training and agricultural workers' ability to protect themselves and their families from potential secondary exposure to pesticides and pesticide residues. The proposed revisions will address key environmental justice concerns for a population that may be disproportionately affected by pesticide exposure. Other changes under development are intended to bring hazard communication requirements more in line with Occupational Safety and Health Administration requirements and seek to clarify current requirements to facilitate program implementation and enforcement.

Strengthening Pesticide Applicator Safety. As part of EPA's effort to enhance the pesticide worker safety program, the Agency is also developing a proposal to revise the existing regulation concerning the certification of applicators of restricted-use pesticides to ensure that the federal certification program standards adequately protect applicators, the public and the environment from potential risks associated with use of restricted use pesticides. The proposed changes are intended to improve the competency of certified applicators of restricted use pesticides, increase protection for noncertified applicators of restricted use pesticides operating under the direct supervision of a certified applicator through enhanced pesticide safety training and standards for supervision of noncertified applicators, and establish a minimum age requirement for such noncertified applicators. Also, in keeping with EPA's commitment to work more closely with tribal governments to strengthen environmental protection in Indian Country, certain changes are intended to provide more practical options for establishing certification programs in Indian Country.

Improving Chemical Facility Safety and Security. Executive Order 13650 on Improving Chemical Facility Safety and Security directs federal agencies to work with stakeholders to improve chemical safety and security through agency programs, private sector initiatives, federal guidance, standards, and regulations. During the course of implementing this Executive order, EPA, along with the Department of Homeland Security (including the National Protection and Programs Directorate, the Transportation Security Agency and the United States Coast Guard); the Occupational Safety and Health Administration; the United States Department of Justice, Bureau of Alcohol, Tobacco, and Firearms; the United States Department of Agriculture; and the United States Department of Transportation, will assess whether its regulations should be modified or new regulations developed to improve upon chemical safety and security. EPA issued in July 2014 a request for information on how to strengthen its Risk Management Plan program. EPA plans to develop a proposed rule to modernize the Risk Management Plan.

4. Protecting Water: A Precious, Limited Resource

Despite considerable progress, America's waters remain imperiled. Water quality protection programs face complex challenges, from nutrient loadings and stormwater runoff to invasive species and drinking water contaminants. These challenges demand both traditional and innovative strategies.

Improving Water Quality. EPA plans to address challenging water quality issues in several rulemakings during FY 2015.

Definition of ''Waters of the United States'' Under the Clean Water Act. After U.S. Supreme Court decisions in SWANCC and Rapanos, the scope of ''waters of the US'' protected under Clean Water Act (CWA) programs has been an issue of considerable debate and uncertainty. The Act does not distinguish among programs as to what constitutes ''waters of the United States.'' As a result, these decisions affect the geographic scope of all CWA programs. SWANCC and Rapanos did not invalidate the current regulatory definition of ''waters of the United States.'' However, the decisions established important considerations for how those regulations should be interpreted. Experience implementing the regulations following the two court cases has identified several areas that could benefit from additional clarification through rulemaking.

Steam Electric Power Plants. Steam electric power plants contribute over half of all toxic pollutants discharged to surface waters by all industrial categories currently regulated in the United States under the Clean Water Act. Discharges of these toxic pollutants are linked to cancer and neurological damage in humans and ecological damage. EPA will establish national technology-based regulations called effluent guidelines to reduce discharges of these pollutants from industries to waters of the U.S. and publicly owned treatment works. These guidelines would set the first Federal limits on the levels of toxic metals in wastewater that can be discharged from power plants, based on technology improvements in the industry over the last three decades. The steam electric effluent guidelines apply to steam electric power plants using nuclear or fossil fuels, such as coal, oil and natural gas.

Water Quality Standards Regulatory Revisions. EPA will finalize updates to the Water Quality Standards regulation, which provides a strong foundation for water quality-based controls, including water quality assessments, impaired waters lists, total maximum daily loads, and water quality-based effluent limits (WQBELs) in NPDES discharge permits. These updates aim to clarify and resolve a number of policy and technical issues that have recurred over the past 30 years. They will assure greater public transparency, better stakeholder information, and more effective implementation of the Water Quality Standards program.

Responding to Oil Spills in U.S. Waters. The Clean Water Act (CWA), as amended by the Oil Pollution Act (OPA), requires that the National Contingency Plan (NCP) include a schedule identifying ''dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out'' the NCP. EPA is considering amending subpart J of the NCP (the Product Schedule) for a manufacturer to have chemical, biological, or other spill-mitigating substances listed on the Product Schedule, updating the listing requirements to reflect new advancements in scientific understanding, and, to the extent practicable, considering and addressing concerns regarding the use of dispersants raised during the Deepwater Horizon oil spill.

5. Launching a New Era of State, Tribal and Local Partnership

EPA's success depends more than ever on working with increasingly capable and environmentally conscious partners. States have demonstrated leadership on managing environmental challenges, and EPA wants to build on and complement their work. EPA supports state and tribal capacity to ensure that programs are consistently delivered nationwide. This provides EPA and its intergovernmental partners with an opportunity to further strengthen their working relationship and, thereby, more effectively pursue their shared goal of national environmental and public health protection. The history and future of environmental protection will be built on this type of collaboration.

In July 2014, EPA's Administrator Gina McCarthy signed the

Environmental Justice Policy for Working with Tribes and Indigenous Peoples, reinforcing the agency's commitment to work with tribes on a government-to-government basis when issues of environmental justice arise. This policy allows EPA to reinforce its commitment to tribal communities, especially in addressing issues of environmental justice. The policy integrates 17 environmental justice and civil rights principles and identifies existing informational and resource tools to support EPA in addressing environmental justice concerns raised by Federally Recognized Tribes and Indigenous Peoples throughout the United States.

In addition, 2014 marks 30 years of EPA's 1984 Indian Policy. EPA was the first to formally adopt such a Policy, reiterating the importance of EPA's tribal programs and our unique government-to-government relationship with tribes.

6. Working Toward a Sustainable Future

Just as today's economy is vastly different from that of 40 years before, EPA's regulatory program is evolving to recognize the progress that has already been made in environmental protection and to incorporate new technologies and approaches that allow us to provide for an environmentally sustainable future more efficiently and effectively.

Establishing User Fees for the Use of RCRA Manifests. The e-Manifest Final rule of February 7, 2014 codified certain provisions of the ''Hazardous Waste Electronic Manifest Establishment Act'' (or the Act), which directed EPA to adopt a regulation that authorized the use of electronic manifests to track hazardous waste shipments nationwide. The Act also instructed EPA to develop a user-fee-funded e-Manifest system. Since the Act grants broad discretion to EPA to determine the fees and gives the Agency authority to collect such fees for both electronic manifests and any paper manifests that continue in use, EPA plans to issue rulemaking to establish the appropriate electronic and paper manifest fees. The initial fees established in the final rule are expected to cover the operation and maintenance costs for the system, as well as the costs associated with the development of the system. EPA plans to also announce in the final rule the date on which the system will be implemented and available to users. Once the national e-Manifest system becomes available, hazardous waste handlers will be able to complete, sign, transmit, and store electronic manifests through the national IT system, or they can elect to continue tracking the hazardous waste under the paper manifest system. Further, waste handlers that currently submit manifests to the States will no longer be required to do so, unless required by the State, as EPA will collect both the remaining paper manifest copies and electronic manifests in the national system and will disseminate the manifest data to those States that want it.

Strengthening the Underground Storage Tanks Program. EPA plans to revise the 1988 federal underground storage tank (UST) regulations by increasing emphasis on properly operating and maintaining UST equipment. These revisions will help improve prevention and detection of UST releases, which are one of the leading sources of groundwater contamination. The revisions will also help ensure all USTs in the United States, including those in Indian country, meet the same minimum standards.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Agency's final retrospective review of regulations plan. Some of these entries on this list may be completed actions, which do not appear in *The Regulatory Plan.* However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. EPA's final agency plan can be found at: *http://www.epa.gov/regdarrt/retrospective/*.

Regulatory identifier number (RIN)	Rulemaking title
2060–AO60	New Source Performance Standards (NSPS) Review under CAA–111(b)(1)(B)
2060–AP06	New Source Performance Standards for Grain Elevators—Amendments
2040–AF15	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions
2040–AF16	Water Quality Standards Regulatory Clarifications
2040–AF25	National Pollutant Discharge Elimination System (NPDES) Application and Program Updates Rule
2040–AF29	National Primary Drinking Water Regulations: Group Regulation of Carcinogenic Volatile Organic Compound (VOCs)
2050–AG39	Management Standards for Hazardous Waste Pharmaceuticals
2050–AG72	Hazardous Waste Requirements for Retail Products; Clarifying and Making the Program More Effective
2070–AK02	Lead; Lead-based Paint Program; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements

Burden Reduction

As described above, EPA continues to review its existing regulations in an effort to achieve its mission in the most efficient means possible. To this end, the Agency is committed to identifying areas in its regulatory program where significant savings or quantifiable reductions in paperwork burdens might be achieved, as outlined in Executive Order 13610, while protecting public health and our environment.

Rules Expected to Affect Small Entities

By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. Actions that may affect small entities can be tracked on EPA's Regulatory Development and Retrospective Review Tracker (*http://www.epa.gov/regdarrt/*) at any time. This Plan includes the following rules that may be of particular interest to small entities:

Regulatory identifier number (RIN)	Rulemaking title
2070–AJ92	Formaldehyde Emission Standards for Composite Wood Products
2060–AS16	Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2

International Regulatory Cooperation Activities

EPA has considered international regulatory cooperation activities as described in Executive Order 13609 and has identified two international activities that are anticipated to lead to significant regulations in the following year:

Regulatory identifier number (RIN)	Rulemaking Title
2070–AJ44	Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards for Composite Wood Products
2070–AJ92	Formaldehyde Emission Standards for Composite Wood Products

Streamlining the Export/Import Process for America's Businesses

EPA has considered import and export streamlining activities as described in Executive Order 13659 and identified the following rulemaking activity:

Regulatory identifier number (RIN)	Rulemaking title
2050–AG77	Hazardous Waste Export-Import Revisions Rule

EPA—AIR AND RADIATION(AR)

Proposed Rule Stage

122. Review of the National Ambient Air Quality Standards for Ozone

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 7408; 42 U.S.C. 7409

CFR Citation: 40 CFR 50.

Legal Deadline: NPRM, Judicial, December 1, 2014, Court–ordered Deadline. Final, Judicial, October 1, 2015, Court–ordered Deadline. Must be proposed by December 1

Abstract: Under the Clean Air Act, the EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On March 23, 2008, the EPA published a final rule to revise the primary and secondary NAAQS for ozone to provide increased protection of public health and welfare. With regard to the primary standard for ozone, the EPA revised the level of the 8-hour ozone standard to 0.075 ppm. With regard to the secondary ozone standard, the EPA made it identical in all respects to the primary ozone standard, as revised. The DC Circuit upheld the primary standard, but remanded the secondary standard back to the EPA. The EPA initiated the current review in October 2008 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. This review included the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by the EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public.

Statement of Need: Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years.

Summary of Legal Basis: Review of the NAAQS is authorized by Clean Air Act Sections 108 and 109.

Alternatives: The main alternative for the Administrator's decision on the review of the primary and secondary national ambient air quality standards for ozone is whether to retain or revise the existing standards.

Anticipated Cost and Benefits: The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, when the Agency proposes revisions to the standards, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. In those instances, cost and benefit information is generally included in the regulatory analysis accompanying the final rule.

Risks: Health and welfare risks associated with exposure to O3 in the ambient air have been assessed. The final health and welfare Risk and Exposure Assessments for Ozone were released in August 2014, and are available at: *http://www.epa.gov/ttn/naaqs/standards/ozone/data/20140829healthrea.pdf.*

Timetable:

Action	Date	FR Cite
Notice	04/28/11	76 FR 23755
NPRM	12/00/14	
Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

Additional Information: Docket #: EPA–HQ–OAR–2008–0699.

URL For More Information: http://www.epa.gov/ozone/.

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RIN: 2060–AP38

EPA—AR

123. Review of the National Ambient Air Quality Standards for Lead

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 42 U.S.C. 7408; 42 U.S.C. 7409

CFR Citation: 40 CFR 50.

Legal Deadline: None.

Abstract: Under the Clean Air Act Amendments of 1977, the EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On November 12, 2008, the EPA published a final rule to revise the primary and secondary NAAQS for lead to provide increased protection for public health and welfare. The EPA has now initiated the next review. This new review includes the preparation of an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, and also a Policy Assessment Document by the EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. This decision will be published in the **Federal Register** with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents and public comment on the proposed decision.

Statement of Need: Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. In the last lead NAAQS review, EPA published a final rule on November 12, 2008, to revise the primary and secondary NAAQS for lead to provide increased protection for public health and welfare.

Summary of Legal Basis: Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years.

Alternatives: The main alternative for the Administrator's decision on the review of the national ambient air quality standards for lead is whether to retain or revise the existing standards.

Anticipated Cost and Benefits: The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, when the Agency proposes revisions to the standards, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. In those instances, cost and benefit information is generally included in the regulatory analysis accompanying the final rule.

Risks: As part of the review, the EPA prepares an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, and also a Policy Assessment Document, with opportunities for review by the EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. The proposed decision will be published in the **Federal Register** with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents and public comment on the proposed decision.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Undetermined.

Additional Information: Docket #: EPA–HQ–OAR–2010–0108.

URL for More Information: *http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_index.html.*

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RIN: 2060–AQ44

EPA—AR

124. Carbon Pollution Emission Guidelines for Existing Stationary Sources: EGUS in Indian Country and U.S. Territories

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: CAA 111

CFR Citation: .40 CFR 60

Legal Deadline: None.

Abstract: On June 25, 2013, President Obama issued a Presidential Memorandum directing the Environmental Protection Agency (EPA) to work expeditiously to complete greenhouse gas (GHG) standards for the power sector. The agency is using its authority under section 111(d) of the Clean Air Act (CAA) to issue emission guidelines to address GHG emissions from existing power plants. The Presidential Memorandum directs the EPA to issue proposed GHG guidelines for existing power plants by no later than June 1, 2014, and issue final guidelines by no later than June 1, 2015. In addition, the Presidential Memorandum directs the EPA to, in the guidelines, require states to submit to EPA the implementation plans required under section 111(d) of the CAA by no later than June 30, 2016. On June 18, 2014, the EPA proposed emission guidelines for states to follow in developing plans to address GHG emissions from existing fossil fired EGU, using its authority under CAA 111(d). This action is a supplemental proposal and will propose emission guidelines to address GHG emissions from existing fossil fuel-fired EGUs on tribal lands and in U.S. territories.

Statement of Need: President Obama's Climate Action Plan called for EPA to complete carbon pollution standards for existing fossil fuel-fired power plants by June 1, 2015. This action will propose those standards for existing fossil fuel-fired power plants in Indian country and U.S. territories.

Summary of Legal Basis: CO_2 is a regulated pollutant and thus is subject to regulation under section 111 of the Clean Air Act as Amended in 1990.

Alternatives: Alternatives will be presented in the proposal preamble.

Anticipated Cost and Benefits: Cost and benefits information will be presented in the proposal preamble.

Risks: The risk addressed is the current and future threat of climate change to public health and welfare, as demonstrated in the 2009 Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act. The EPA made this determination based primarily upon the recent, major assessments by the U.S. Global Change Research Program (USGCRP), the National Research Council (NRC) of the National Academies and the Intergovernmental Panel on Climate Change (IPCC).

Timetable:

Action	Date	FR Cite
NPRM	06/18/14	79 FR 34829
NPRM Comment Period Extended.	09/25/14	79 FR 57492
NPRM Comment Period Extended End.	12/01/14	
Supplemental NPRM.	11/04/14	79 FR 65481
Final Rule	07/00/15	
NODA	10/30/14	79 FR 64543
Notice	11/13/14	79 FR 67406

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, State, Tribal.

Federalism: This action may have federalism implications as defined in EO 13132.

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

Additional Information: Docket #: EPA–HQ–OAR–2013–0602. Split from RIN 2060–AQ91.

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Related RIN: Split from 2060–AQ91

RIN: 2060–AR33

EPA—AR

125. Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: Clean Air Act sec 202(a)

CFR Citation: 40 CFR 1036; 40 CFR 1037; 40 CFR 86.

Legal Deadline: None.

Abstract: During the President's second term, EPA and the Department of Transportation, in close coordination with the California Air Resources Board, will develop a comprehensive National Program for Medium- and Heavy-Duty Vehicle Greenhouse Gas Emission and Fuel Efficiency Standards for model years beyond 2018. These second sets of standards would further reduce greenhouse gas emissions and fuel consumption from a wide range of on-road vehicles from semi-trucks to the largest pickup trucks and vans, and all types and sizes of work trucks and buses. This action will be in continued response to the President's directive to take coordinated steps to produce a new generation of clean vehicles. This action follows the first ever Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (75 FR September 15, 2011).

Statement of Need: Under Clean Air Act authority, EPA has determined that emissions of greenhouse gases from new motor vehicles and engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare. Therefore, there is a need to reduce GHG emissions from medium- and heavy-duty vehicles to protect public health and welfare. The medium- and heavy-duty truck sector accounts for approximately 18 percent of the U.S. mobile source GHG emissions and is the second largest mobile source sector. GHG emissions from this sector are forecast to continue increasing rapidly; reflecting the anticipated impact of factors such as economic growth and increased movement of freight by trucks. This rulemaking would significantly reduce GHG emissions from future medium- and heavy-duty vehicles by setting GHG standards that will lead to the introduction of GHG reducing vehicle and engine technologies.

Summary of Legal Basis: The Clean Air Act section 202(a)(1) states that The Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare. Section 202(a) covers all on-highway vehicles including medium- and heavy-duty trucks. In April 2007, the Supreme Court found in Massachusetts v. EPA that greenhouse gases fit well within the Acts definition of air pollutant and that EPA has statutory authority to regulate emission of such gases from new motor vehicles. Lastly, in April 2009, EPA issued the Proposed Endangerment and Cause-or-Contribute Findings for Greenhouse Gases under the Clean Air Act. The endangerment proposal stated that greenhouse gases from new motor vehicles and engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare.

Alternatives: The rulemaking proposal will include an evaluation of regulatory alternatives. In addition, the proposal is expected to include tools such as averaging, banking, and trading of emissions credits as an alternative approach for compliance with the proposed program.

Anticipated Cost and Benefits: Detailed analysis of economy-wide cost impacts, greenhouse gas emission reductions, and societal benefits will be performed during development of the proposed rule.

Risks: The failure to set new GHG standards for medium- and heavy-duty trucks is likely to result in cumulative increases in GHG emissions from the trucking industry over time and therefore increased the risk of unacceptable climate change impacts.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, State.

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RIN: 2060–AS16

EPA—AR

126. Renewable Fuel 2015 Volume Standards

Priority: Other Significant.

Legal Authority: Clean Air Act sec 211(o)

CFR Citation: 40 CFR 80.1401.

Legal Deadline: None.

Abstract: In response to the Energy Independence and Security Act (EISA) which amended the Clean Air Act Section 211(o), EPA finalized the RFS2 Program regulations. The new provisions also require EPA to promulgate regulations that specify the annual statutory volume requirements for renewable fuels, including cellulosic, biofuel, bio-mass-based diesel, advanced biofuel, and total renewable fuel that must be used in transportation fuel annually. In the case of the cellulosic biofuel standard, the act specifically requires that the standard be set based on the volume projected to be available during the following year. If the volumes are lower than those specified under the act, then EPA may also lower the advanced biofuel and total renewable fuel standards each year accordingly. Further, the act requires the Administrator to promulgate rules establishing the applicable volumes of biomass-based diesel for 2013 and beyond and to do so no later than 14 months before the year for which such applicable volume would apply. The actions summarized here will propose and finalize the 2016 biomass based diesel (BBD) volume along with the 2015 standards. This regulatory action will establish, as required, the annual statutory volume requirements for the RFS2 fuel categories (cellulosic, biomass-based diesel, advanced biofuel, and renewable fuel) that apply to all gasoline and diesel produced or imported in 2015 and set, at minimum, the 2016 requirement. Entities potentially affected by this rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline and diesel fuel or renewable fuels such as ethanol and biodiesel.

Statement of Need: EPA is developing this rule under the Congressional mandate in the Energy Independence and Security Act (EISA) of 2007.

Summary of Legal Basis: EPA is developing this rule under Clean Air Act Section 211(o).

Alternatives: Alternatives are being developed as part of the forthcoming proposal.

Anticipated Cost and Benefits: Cost and benefit information is being developed as part of the forthcoming proposal.

Risks: The risks are those addressed by EISA—*i.e.,* energy insecurity and dependence on foreign sources.

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Sectors Affected: 325199 All Other Basic Organic Chemical Manufacturing; 325193 Ethyl Alcohol Manufacturing; 424690 Other Chemical and Allied Products Merchant Wholesalers; 454319 Other Fuel Dealers; 424710 Petroleum Bulk Stations and Terminals; 324110 Petroleum Refineries; 424720 Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

URL for More Information: *http://www.epa.gov/otaq/fuels/renewablefuels/.*

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RIN: 2060–AS22

EPA—OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP)

Proposed Rule Stage

127. Pesticides; Certification of Pesticide Applicators

Priority: Other Significant.

Legal Authority: 7 U.S.C. 136 7 U.S.C. 136i 7 U.S.C. 136w.

CFR Citation: 40 CFR 156; 40 CFR 171.

Legal Deadline: None.

Abstract: EPA is developing a proposed rule to revise the federal regulations governing the certified pesticide applicator program, based on years of extensive stakeholder engagement and public meetings, to ensure that they adequately protect applicators, the public, and the environment from potential harm due to exposure to restricted use pesticides (RUPs). This action is intended to improve the training and awareness of certified applicators of RUPs and to increase protection for noncertified applicators of RUPs operating under the direct supervision of a certified applicator through enhanced pesticide safety training and standards for supervision of noncertified applicators.

Statement of Need: Change is needed to strengthen the protections for pesticide applicators, the public, and the environment from harm due to pesticide exposure.

Summary of Legal Basis: This action is issued under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 7 U.S.C.s 136–136y, particularly sections 136a(d), 136i, and 136w.

Alternatives: In the years prior to the development of this rulemaking, EPA pursued non-regulatory approaches to protect applicators, the public, and the environment from potential harm due to exposure to RUPs. For example, the Agency developed mechanisms to improve applicator trainers and make training materials more accessible. EPA has also developed nationally relevant training and certification materials to preserve state resources while improving competency. However, the non-regulatory approaches did not address other requisite needs for improving protections, such as the requirements for determining competency and recertification that are being considered in this rulemaking.

Anticipated Cost and Benefits: Although subject to change as the proposal is developed, EPA currently estimates incremental costs of about $44 million annually and unquantified, long term health benefits to certified applicators, the noncertified applicators they supervise, and their families. These benefits arise from reducing their daily risk of pesticide exposures and reduced risk of chronic illness. This information will be updated once the proposal is issued.

Risks: Applicators are at risk from exposure to pesticides they handle for their work. The public and the environment may also be at risk from misapplication by applicators without appropriate training. Revisions to the regulations are expected to minimize these risks by ensuring the competency of certified applicators.

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State, Local, Tribal.

Additional Information: Docket #: EPA–HQ–OPP–2005–0561. *http://epa.gov/sbrefa/pesticide-applicators.html.* This action includes retrospective review under EO 13563; see: *http://www.epa.gov/regdarrt/retrospective/history.html.*

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 5617 Services to Buildings and Dwellings; 9241 Administration of Environmental Quality Programs.

URL for More Information: *http://www.epa.gov/pesticides/health/worker.htm.*

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RIN: 2070–AJ20

EPA—OCSPP

128. Polychlorinated Biphenyls (PCBS); Reassessment of Use Authorizations

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: 15 U.S.C. 2605 ''TSCA 6(e)''.

CFR Citation: 40 CFR 761.

Legal Deadline: None.

Abstract: The EPA's regulations governing the use of Polychlorinated Biphenyls (PCBs) in electrical equipment and other applications were first issued in the late 1970s and have not been updated since 1998. The EPA has initiated rulemaking to reassess the ongoing authorized uses of PCBs to determine whether certain use authorizations should be ended or phased out because they can no longer be justified under section 6(e) of the Toxic Substances Control Act, which requires that the authorized use will not present an unreasonable risk of injury to health and the environment. As the first step in this reassessment, the EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) on April 7, 2010 and took comment through August 20, 2010. The EPA reviewed and considered all comments received on the ANPRM in planning the current rulemaking. This action will address the following specific areas: (1) The use, distribution in commerce, marking and storage for reuse of liquid PCBs in electric equipment; (2) improvements to the existing use authorization for natural gas pipelines; and (3) definitional and other regulatory ''fixes''. The reassessment of use authorizations related to liquid PCBs in equipment will focus on small capacitors in fluorescent light ballasts, large capacitors, transformers and other electrical equipment. In addition, revised testing, characterization, and reporting requirements for PCBs in natural gas pipeline systems to provide more transparency for the Agency and the public when PCB releases occur will be considered. Consistent with Executive Order 13563, ''Improving Regulation and Regulatory Review'', wherever possible and consistent with the overall objectives of this rulemaking, the Agency will also eliminate or fix regulatory inefficiencies noted by the Agency or in public comments on the ANPRM.

Statement of Need: EPA is reassessing authorized uses of PCBs to determine whether certain uses should be ended or phased out because they can no longer be justified under section 6(e) of the Toxic Substances Control Act, which requires that the authorized use will not present an unreasonable risk of injury to health and the environment. A rulemaking is needed to revise or revoke any PCB use authorizations that no longer meet the TSCA unreasonable risk standard.

Summary of Legal Basis: The authority for this action comes from TSCA section 6(e)(2)(B) and (C) of TSCA (15 U.S.C. 605(e)(2)(B) and (C)), as well as TSCA section 6(e)(1)(B) (15 U.S.C. 2605(e)(1)(B)).

Alternatives: EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) on April 7, 2010 and took comment through August 20, 2010. EPA reviewed and considered all comments received on the ANPRM in planning the current rulemaking. If EPA determines that certain authorized uses of PCBs can no longer be justified under TSCA section 6(e), EPA will evaluate options for ending or phasing out those uses.

Anticipated Cost and Benefits: In developing a proposed rule, EPA will also evaluate the costs and benefits of the options under consideration, which will be used to inform the decision-makers of the potential impacts. Once decisions regarding the proposed rule are made, information on the potential costs and benefits of the action will be available.

Risks: PCBs are toxic, persist in the environment and bioaccumulate in food chains and, thus, pose risks to human health and ecosystems. Once in the environment, PCBs do not readily break down and therefore may remain for long periods of time cycling between air, water, and soil. PCBs can be carried long distances and have been found in snow and sea water in areas far away from where they were released into the environment. As a consequence, PCBs are found all over the world. In general, the lighter the form of PCB, the further it can be transported from the source of contamination. PCBs can accumulate in the leaves and above-ground parts of plants and food crops. They are also taken up into the bodies of small organisms and fish. Humans may be exposed to PCBs through diet by eating contaminated fish and shellfish, and consuming contaminated milk, meat, and their by-products. Infants may be exposed through breast milk, and unborn children may exposed while in the womb. In addition, humans may exposed by breathing contaminated indoor air in buildings where electrical equipment contains PCBs or by coming into contact with PCB-contaminated liquids that have leaked from electrical equipment. Health effects associated with exposure to PCBs in humans and/or animals include liver, thyroid, dermal and ocular changes, immunological alterations, neurodevelopmental changes, reduced birth weight, reproductive toxicity, and cancer. EPA is currently evaluating the possible risks presented by ongoing uses of PCBs that may be addressed by this action.

Timetable:

Action	Date	FR Cite
ANPRM	04/07/10	75 FR 17645
ANPRM Comment Period Extended.	06/16/10	75 FR 34076
NPRM	07/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State, Tribal.

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Docket #: EPA–HQ–OPPT–2009–0757.

Sectors Affected: 22 Utilities; 31–33 Manufacturing; 48–49 Transportation and Warehousing; 53 Real Estate and Rental and Leasing; 54 Professional, Scientific, and Technical Services; 562 Waste Management and Remediation Services; 811 Repair and Maintenance; 92 Public Administration.

URL For More Information: *http://www.epa.gov/pcb.*

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RIN: 2070–AJ38

EPA—OCSPP

129. Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: 15 U.S.C. 2682(c)(3)

CFR Citation: 40 CFR 745.

Legal Deadline: Other, Judicial, April 22, 2010, ANPRM—2009 Settlement agreement.

NPRM, Judicial, July 1, 2015, Deadline from 2012 amended; Settlement agreement.

Final, Judicial, January 1, 2017, Deadline from 2012 amended; Settlement agreement.

Per 9/7/2012 Amended Settlement Agreement in National Assoc. of Homebuilders v. EPA.

Abstract: Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires the EPA to regulate renovation or remodeling activities in target housing (most pre-1978 housing), pre-1978 public buildings, and commercial buildings that create lead-based paint hazards. On April 22, 2008, the EPA issued a final rule to address lead-based paint hazards created by these activities in target housing and child-occupied facilities (child-occupied facilities are a subset of pre-1978 public and commercial buildings where children under age 6 spend a significant amount of time). The 2008 rule established requirements for training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. After the 2008 rule was published, the EPA was sued, in part, for failing to address potential hazards created by the renovation of public and commercial buildings. In the settlement agreement and subsequent amendments, the EPA agreed to commence proceedings to determine whether or not renovations of public and commercial buildings create hazards. Further, if these activities do create hazards, the EPA agreed to propose work practice and other requirements by July 1, 2015, and to take final action, if appropriate, no later than 18 months after the proposal.

Statement of Need: This rulemaking is being undertaken in response to a settlement agreement and is designed to help insure that individuals and firms conducting renovation, repair, and painting activities in and on public and commercial buildings will do so in a way that safeguards the environment and protects the health of building occupants and nearby residents, especially children under 6 years old. EPA has conducted several studies and reviewed additional information that indicates that the renovation of buildings containing lead-based paint can create health hazards in the form of lead-based paint dust under typical industry work practices.

Summary of Legal Basis: Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities that create lead-based paint hazards in target housing, public buildings built before 1978, and commercial buildings.

Alternatives: For those activities that EPA determines create lead-based paint hazards, EPA will evaluate options to address the hazards. These options are likely to include different combinations of work practices and worker training and certification.

Anticipated Cost and Benefits: Not yet determined. A detailed analysis of costs and benefits will be performed during development of the proposed rule.

Risks: Lead is known to cause deleterious health effects on multiple organ systems through diverse mechanisms of action in both adults and children. This array of health effects includes effects on heme biosynthesis and related functions, neurological development and function, reproduction and physical development, kidney function, cardiovascular function, and immune function. EPA is evaluating information on renovation activity patterns in public and commercial buildings to estimate exposures to lead dust from RRP activities in those buildings.

Timetable:

Action	Date	FR Cite
ANPRM	05/06/10	75 FR 24848
Notice	12/31/12	77 FR 76996
Notice	05/13/13	78 FR 27906
Notice	05/30/14	79 FR 31072
Notice	08/06/14	79 FR 45796
NPRM	07/00/15	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Additional Information: Docket #: EPA–HQ–OPPT–2010–0173.

Sectors Affected: 236210 Industrial Building Construction; 236220 Commercial and Institutional Building Construction; 238150 Glass and Glazing Contractors; 238170 Siding Contractors; 238210 Electrical Contractors and Other Wiring Installation Contractors; 238220 Plumbing, Heating, and Air-Conditioning Contractors; 238310 Drywall and Insulation Contractors; 238320 Painting and Wall Covering Contractors; 238340 Tile and Terrazzo Contractors; 238350 Finish Carpentry Contractors; 238390 Other Building Finishing Contractors; 531120 Lessors of Nonresidential Buildings (except Miniwarehouses); 531312 Nonresidential Property Managers; 921190 Other General Government Support.

URL for More Information: *http://www2.epa.gov/lead.*

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RIN: 2070–AJ56

EPA—SOLID WASTE AND EMERGENCY RESPONSE (SWER)

Proposed Rule Stage

130. Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements

Priority: Other Significant.

Legal Authority: 33 U.S.C. 1321(d)(2); 33 U.S.C. 1321(b)(3); 33 U.S.C. 1321(j)

CFR Citation: 40 CFR 300; 40 CFR 110.

Legal Deadline: None.

Abstract: The Clean Water Act requires EPA to prepare a schedule identifying dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the National Contingency Plan (NCP); and the waters and quantities in which they may be used. The EPA is considering revising subpart J of the NCP to address the efficacy, toxicity, and environmental monitoring of dispersants, other chemical and biological agents, and other spill mitigating substances, as well as public, state, local, and federal officials concerns on their authorization and use. Specifically, the Agency is considering revisions to the technical product requirements under subpart J, including amendments to the effectiveness and toxicity testing protocols, and establishing new effectiveness and toxicity thresholds for listing certain products on the Schedule. Additionally, the Agency is considering amendments to area planning requirements for agent use authorization and advanced monitoring techniques. The Agency is also considering revisions to harmonize 40 CFR part 110.4 with the definitions for chemical and biological agents proposed for subpart J. These changes, if finalized, will help ensure that chemical and biological agents have met rigorous efficacy and toxicity requirements, that product manufacturers provide important use and safety information, and that the planning and response community is equipped with the proper information to authorize and use the products in a judicious and effective manner.

Statement of Need: The use of dispersants in response to the Deepwater Horizon incident, both on surface slicks and injected directly into the oil from the well riser, raised many questions about efficacy, toxicity, environmental trade-offs, and monitoring challenges. The Agency is considering amendments to subpart J that would increase the overall scientific soundness of the data collected on mitigation agents, take into consideration not only the efficacy but also the toxicity, long-term environmental impacts, endangered species protection, and human health concerns raised during responses to oil discharges, including the Deepwater Horizon incident. The additional data requirements being considered would aid On-Scene Coordinators (OSCs) and Regional Response Teams (RRTs) when evaluating specific product information and when deciding whether and which products to use to mitigate hazards caused by discharges or threatened discharges of oil. Additionally, the Agency is considering amendments to area planning requirements for dispersant use authorization, toxicity thresholds and advanced monitoring techniques. This action is a major component of the EPA's effort to inform the use of dispersants and other chemical or biological agents when responding to oil discharges, based on lessons learned from the federal government's experiences in responding to off-shore oil discharges, including the Deepwater Horizon incident, in the Gulf of Mexico and anticipation of the expansion of oil exploration and production activities in the Arctic.

Summary of Legal Basis: The Federal Water Pollution Control Act (FWPCA) requires the President to prepare and publish a National Contingency Plan (NCP) for the removal of oil and hazardous substances. In turn, the President delegated the authority to implement this section of the FWPCA to the EPA through Executive Order 12777 (56 FR 54757; October 22, 1991). Section 311(d)(2)(G)(i) of the FWPCA (a.k.a., Clean Water Act), as amended by the OPA, requires that the NCP include a schedule identifying ''dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out'' the NCP. Currently, the use of dispersants, other chemicals, and other oil spill mitigating devices and substances (*e.g.,* bioremediation agents) to respond to oil discharges in U.S. waters is governed by subpart J of the NCP (40 CFR part 300 series 900).

Alternatives: The Agency will consider alternatives via the proposal that address the efficacy, toxicity, and environmental monitoring of dispersants, and other chemical and biological agents, as well as public, state, local, and federal officials' concerns regarding their use. Specifically, the alternative requirements for the NCP Product Schedule (Schedule) consider new listing criteria, revisions to the efficacy and toxicity testing protocols, and clarifications to the evaluation criteria for removing products from the Schedule. EPA is also considering alternatives to the requirements for the authorities, notifications, monitoring, and data reporting when using chemical or biological agents in response to oil discharges in waters of the U.S. The alternatives being considered are intended to encourage the development of safer and more effective spill mitigating products, to better target the use of these products in order to reduce the risks to human health and the environment, and to ensure that On-Scene Coordinators (OSCs), Regional Response Teams (RRTs), and Area Committees have sufficient information to support agent preauthorization or authorization of use decisions.

Anticipated Cost and Benefits: The Agency expects the proposed rule, if finalized, would provide overall net benefits as a result of having more effective products on the Schedule, as well as from avoided costs of oil spill response and cleanup. Costs to product manufacturers would be incremental annual costs for product testing and labor. For certain discharges, costs to the party responsible for the spill would be added for monitoring requirements. A detailed costs and benefits analysis will be available with the proposal.

Risks: Although major catastrophic oil discharges where chemical or biological agents may be used are relatively infrequent, this proposed rulemaking under subpart J should lead to the manufacture and use of less toxic, more effective oil spill mitigating products. The use of these products may reduce the potential for human and environmental impact, emergency response duration, and costs associated with any oil discharge. However, the impacts will vary greatly depending on factors that include the size, location and duration of an oil discharge, as well as, the type of oil being discharged. While the reduction in environmental impacts associated with the use of oil spill mitigating agents driven by this action are likely small for typical oil discharges, they could be significant in the event of a large oil discharge.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

Additional Information: Docket #: EPA–HQ–OPA–2006–0090.

Sectors Affected: 325 Chemical Manufacturing; 424 Merchant Wholesalers, Nondurable Goods; 211 Oil and Gas Extraction; 541 Professional, Scientific, and Technical Services; 562 Waste Management and Remediation Services.

URL For More Information: http://www.epa.gov/oem/.

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RIN: 2050–AE87

EPA—SWER

131. • User Fee Schedule for Electronic Hazardous Waste Manifest

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: Pub. L. 112–195

CFR Citation: Undetermined.

Legal Deadline: None.

Abstract: After promulgation of the first e-Manifest regulation in February 2014 to authorize the use of electronic manifests and to codify key provisions of the Hazardous Waste Electronic Manifest Establishment Act (or Act), the EPA is moving forward on the development of the separate e-Manifest User Fee Schedule Regulation. The Act authorizes the EPA to impose on manifest users reasonable service fees that are necessary to pay costs incurred in developing, operating, maintaining and upgrading the system, including costs incurred in collecting and processing data from any paper manifest submitted to the system after the date on which the system enters operation. EPA plans to issue both a proposed and final rule in setting the appropriate electronic manifest and manifest fees. The EPA intends to propose for comment the fee methodology for establishing the electronic manifest and paper service fees. The EPA plans in a final rule to establish a program of fees that will be imposed on users of the e-Manifest system and announce the user fee schedule for manifest-related activities, including activities associated with the collection and processing of paper manifests submitted to the EPA. EPA also plans in that final rule to announce (1) the date upon which the EPA will be ready to transmit and receive manifests through the national e-Manifest system and (2) the date upon which the user community must comply with the new e-Manifest regulation.

Statement of Need: On February 7, 2014, the EPA promulgated the e-Manifest Final rule, in order to comply with the Hazardous Waste Electronic Manifest Establishment Act, which required the EPA to issue a regulation authorizing electronic manifests by October 5, 2013. In issuing that rule, the EPA completed an important step that must precede the development of a national e-Manifest system, as required by the Hazardous Waste Electronic Manifest Establishment Act. This rule is the second regulation that must precede the development of the e-Manifest system. This action will implement the broad discretion granted on the Agency to establish reasonable user fees for the various activities associated with using and submitting electronic and paper manifests to the national system. Additionally, OMB Circular A–25 on User Charges provides that agencies of the executive branch must generally set user fee charges or fees through regulation.

Summary of Legal Basis: Section 2(c) of the e-Manifest Act authorizes the EPA to impose on manifest users reasonable user fees to pay any costs incurred in developing, operating, maintaining, and upgrading the system, including any costs incurred in collecting and processing data from any paper manifest submitted to the system. Thus, this Action will implement the broad discretion granted on the Agency to establish reasonable user fees for the various activities associated with using and submitting electronic and paper manifests to the national system.

Alternatives: The EPA plans to issue rulemaking to establish the appropriate electronic manifest and paper manifest fees. Specifically, EPA will explore options for who will pay user fees, the most efficient point in the process for collecting the fees, and the fee methodologies and fee formulas that relate to setting the fees.

Anticipated Cost and Benefits: When the e-Manifest Final Rule was published in February 2014, the Agency deferred the development of the detailed risk impact analysis (RIA) for the e-Manifest system until the User Fee Schedule Rule. Thus, the RIA for the proposed User Fee Schedule Rule will not be limited to the impacts of the user fees announced in the rule, but will also estimate the costs and benefits of the overall e-Manifest system. The primary costs in the e-Manifest RIA will be the cost to build the system, the costs for industry and state governments to connect to the system, and the cost to run the system. The most significant benefit of the e-Manifest system estimated in the RIA will be reduced burden for industry to comply with RCRA manifesting requirements, and the reduced burden on states that collect and utilize manifest data for program management purposes.

Risks: This action does not address any particular risks in the EPA's jurisdiction as it does not change existing requirements for manifesting hazardous waste shipments. It will merely propose for comment our fee methodology for setting the appropriate fees of electronic manifests, and paper manifests that continue in use, at such time as the system to receive them is built and operational.

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State.

Additional Information: Docket #: EPA–HQ–RCRA–2001–0032.

Sectors Affected: 11 Agriculture, Forestry, Fishing and Hunting; 23 Construction; 51 Information; 31–33 Manufacturing; 21 Mining, Quarrying, and Oil and Gas Extraction; 92 Public Administration; 44–45 Retail Trade; 48–49 Transportation and Warehousing; 22 Utilities; 562 Waste Management and Remediation Services; 42 Wholesale Trade.

URL for More Information: http://www.epa.gov/epawaste/hazard/transportation/manifest/e-man.htm.

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RIN: 2050–AG80

EPA—SWER

132. • Modernization of the Accidental Release Prevention Regulations Under Clean Air Act

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: 42 U.S.C. 7412(r)

CFR Citation: 40 CFR 68.

Legal Deadline: None.

Abstract: In response to Executive Order 13650, the EPA is considering potential revisions to its Risk Management Program regulations and related programs. The Agency may consider changes to the list of regulated substances and threshold quantities, addition of new accident prevention or emergency response program elements

and/or changes to existing elements, and/or other changes to the existing regulatory provisions.

Statement of Need: On August 1, 2013, President Obama signed Executive order 13650, entitled Improving Chemical Facility Safety and Security. The Executive order establishes the Chemical Facility Safety and Security Working Group (''Working Group''), co-chaired by the Secretary of Homeland Security, the Administrator of the EPA, and the Secretary of Labor or their designated representatives at the Assistant Secretary level or higher, and composed of senior representatives of other Federal departments, agencies, and offices. The Executive order requires the Working Group to carry out a number of tasks whose overall aim is to prevent chemical accidents, such as the explosion that occurred at the West Fertilizer facility in West, Texas, on April 17, 2013. Section 6 of the Executive order is entitled ''Policy, Regulation, and Standards Modernization'', and among other things, requires certain federal agencies to consider possible changes to existing chemical safety and security regulations. On July 31, 2014, the EPA issued a Request for Information (RFI) to solicit stakeholder feedback on a number of potential modifications to the RMP regulations. This NPRM is expected to contain a number of proposed modifications to the RMP regulations based on stakeholder feedback received from the RFI.

Summary of Legal Basis: The statutory authority for this action is provided by section 112(r) of the Clean Air Act (CAA) as amended (42 U.S.C. 7412(r)).

Alternatives: Alternatives will be considered during the development of the proposal.

Anticipated Cost and Benefits: Benefits and costs will be examined in detail during the development of the proposal. For any proposed regulatory changes, EPA expects that benefits will be due to prevented costs of accidental releases (*e.g.,* through covering additional hazardous chemical processes, or addition or improvement of accident prevention program requirements), or reduced costs of accidental releases that do occur (*e.g.,* due to improvements in release detection or emergency response procedures). Costs will relate to coverage of any additional sources or implementation of any additional accident prevention or emergency response program requirements that are imposed.

Risks: Risks will be examined during the development of the proposal.

Timetable:

Action	Date	FR Cite
NPRM	09/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State.

Federalism: Undetermined.

Sectors Affected: 11 Agriculture, Forestry, Fishing and Hunting; 444 Building Material and Garden Equipment and Supplies Dealers; 325 Chemical Manufacturing; 445 Food and Beverage Stores; 45431 Fuel Dealers; 424 Merchant Wholesalers, Nondurable Goods; 21 Mining, Quarrying, and Oil and Gas Extraction; 32411 Petroleum Refineries; 486 Pipeline Transportation; 3221 Pulp, Paper, and Paperboard Mills; 482 Rail Transportation; 488 Support Activities for Transportation; 221 Utilities; 493 Warehousing and Storage; 562 Waste Management and Remediation Services.

URL For More Information: http://www2.epa.gov/rmp.

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RIN: 2050–AG82

EPA—AIR AND RADIATION (AR)

Final Rule Stage

133. Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards

Priority: Other Significant. Major under 5 U.S.C. 801.

Legal Authority: Clean Air Act sec 111 and 112

CFR Citation: 40 CFR 60; 40 CFR 63.

Legal Deadline: NPRM, Judicial, May 15, 2014, Consent decree deadline for proposed rule—Air Alliance Houston, et al. v. McCarthy; 12–1607 (RMC); USDC for the District of Columbia filed 1/13/14.

Final, Judicial, April 17, 2015, Consent decree deadline for final rule—Air Alliance Houston, et al. v. McCarthy; 12–1607 (RMC); USDC for the District of Columbia filed 1/13/14.

Abstract: This action pertains to the Petroleum Refining industry and specifically to petroleum refinery sources that are subject to maximum achievable control technology (MACT) standards in 40 CFR part 63, subparts CC (Refinery MACT 1) and UUU (Refinery MACT 2) and new source performance standards (NSPS) in 40 CFR part 60, subpart Ja. This action is the Petroleum Refining Sector Rulemaking which will address our obligation to perform Risk and Technology Reviews (RTR) for Petroleum Refinery MACT 1 and 2 source categories and will address issues related to the reconsideration of Petroleum Refinery New Source Performance Standard (NSPS) subpart Ja. Petroleum refineries are facilities engaged in refining and producing products made from crude oil or unfinished petroleum derivatives. Emission sources include petroleum refinery-specific process units unique to the industry, such as fluid catalytic cracking units (FCCU) and catalytic reforming units (CRU), as well as units and processes commonly found at other types of manufacturing facilities (including petroleum refineries), such as storage vessels and wastewater treatment plants. Refinery MACT 1 regulates hazardous air pollutant (HAP) emissions from common processes such as miscellaneous process vents (*e.g.,* delayed coking vents), storage vessels, wastewater, equipment leaks, loading racks, marine tank vessel loading and heat exchange systems at petroleum refineries. Refinery MACT 2 regulates HAP from those processes that are unique to the industry including sulfur recovery units (SRU) and from catalyst regeneration in FCCU and CRU. A proposed rule was signed on 5/15/14 and published in the **Federal Register** on 6/30/14 (79 FR 36880). The EPA is reviewing comments and preparing a final rule for signature in 2015.

Statement of Need: This proposal is required by Clean Air Act Section 112 to review technology-based standards and revise them as necessary but no less frequently than every eight years under 112 (d)(6) and to review and reduce remaining risk (ie., residual) according to Section 112 (f).

Summary of Legal Basis: Environmental and other public health groups filed a lawsuit alleging that EPA missed statutory deadlines to review and revise Refinery MACT 1 and 2. The EPA reached an agreement to settle this litigation, and in a consent decree filed January 13, 2014 in the U.S. District Court for the District of Columbia, EPA committed to perform the risk and technology review for Refinery MACT 1 and 2 by May 15, 2014 to either propose any regulations or propose that addiitonal regulations are not necessary. Under the consent decree, EPA comitted

to take final action by April 17, 2015, establishing regulations pursuant to the risk and technology review or to issue a final determination that revision to the existing rules is not necessary.

Alternatives: Alternatives were discussed in the proposal preamble published on June 30, 2014, at 79 FR 36879.

Anticipated Cost and Benefits: For the proposal, estimated total capital investment—240 million, total annualized cost—42 million; Projected reductions of 52,000 tons VOC, 5,560 tons of HAP.

Risks: The risk addressed is human health risk. The proposal estimated that cancer incidence would be reduced by 15% over the current baseline as a result of proposed amendments.

Timetable:

Action	Date	FR Cite
NPRM	06/30/14	79 FR 36879
NPRM Comment Period Extended.	08/15/14	79 FR 48111
Final Rule	05/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.

Additional Information: Docket #: EPA–HQ–OAR–2010–0682.

Sectors Affected: 324110 Petroleum Refineries.

URL For More Information: http://www.epa.gov/ttn/atw/petrefine/petrefpg.html.

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RIN: 2060–AQ75

EPA—AR

134. Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units

Priority: Other Significant.

Legal Authority: CAA 111

CFR Citation: 40 CFR 60.

Legal Deadline: None.

Abstract: This final rule will establish the first new source performance standards for greenhouse gas emissions. This rule will establish carbon dioxide (CO2) emission standards for certain new fossil fuel-fired electric generating units.

Statement of Need: EGU GHG NSPS is the first action item in President Obama's Climate Action Plan (CAP). The CAP called for the EPA to issue a proposal by September 20, 2013 to regulate carbon emissions from fossil fuel-fired power plants.

Summary of Legal Basis: CO2 is a regulated pollutant and this is subject to regulation under section 111 of the Clean Air Act as amended in 1990.

Alternatives: The three alternatives the EPA considered in the BSER analysis for new fossil fuel-fired utility boilers and IGCC units are: (1) Highly efficient new generation that does not include CCS technology, (2) highly efficient new generation with ''full capture'' CCS and (3) highly efficient new generation with ''partial capture'' CCS.

We considered two alternatives in evaluating the BSER for new fossil fuel-fired stationary combustion turbines: (1) Modern, efficient NGCC units and (2) modern, efficient NGCC units with CCS.

Anticipated Cost and Benefits: Under a wide range of electricity market conditions—including the EPA's baseline scenario as well as multiple sensitivity analyses—EPA projects that the industry will choose to construct new units that already meet these standards, regardless of this proposal. As a result, the EPAanticipates that the proposed EGU New Source GHG Standards will result in negligible CO2 emission changes, energy impacts, benefits or costs for new units constructed by 2020.

Risks: The risk addressed is the current and future threat of climate change to public health and welfare, as demonstrated in the 2009 Endangerment and Cause or Contribute Finding for Greenhouse Gases Under Section 202(a) of the Clean Air Act. The EPA made this determination based primarily upon the recent, major assessments by the U.S. Global Change Research Program (USGCRP), the National Research Council (NRC) of the National Academies and the Intergovernmental Panel on Climate Change (IPCC).

Timetable:

Action	Date	FR Cite
NPRM	04/13/12	77 FR 22392
NPRM Comment Period Extended.	05/04/12	77 FR 26476
Notice	01/08/14	79 FR 1352
Second NPRM	01/08/14	79 FR 1429
Notice	02/26/14	79 FR 10750
Comment Period Extended.	03/06/14	79 FR 12681
Final Rule	01/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.

Additional Information: Docket #: EPA–HQ–OAR–2011–0660.

Sectors Affected: 221 Utilities.

URL For Public Comments: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2011-0660-0001.

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RIN: 2060–AQ91

EPA—AR

135. Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements

Priority: Other Significant.

Legal Authority: 42 U.S.C. 7409; 42 U.S.C. 7410; 42 U.S.C. 7511 to 7511f; 42 U.S.C. 7601(a)(1)

CFR Citation: 40 CFR 50; 40 CFR 51; 40 CFR 70; 40 CFR 71.

Legal Deadline: None.

Abstract: This final rule will address a range of state implementation requirements for the 2008 National Ambient Air Quality Standards (NAAQS) for ozone, including requirements pertaining to attainment demonstrations, reasonable further progress, reasonably available control technology, reasonably available control measures, nonattainment new source review, emission inventories, and the timing of State Implementation Plan (SIP) submissions and compliance with emission control measures in the SIP. Other issues also addressed in this final rule are the revocation of the 1997 ozone NAAQS for purposes other than transportation conformity; anti-backsliding requirements that would apply when the 1997 NAAQS are revoked; and the section 185 fee program.

Statement of Need: This rule is needed to establish requirements for what states must include in their state implementation plans (SIPs) to bring nonattainment areas into compliance with the 2008 ozone NAAQS. There is no court-ordered deadline for this final rule. However, the CAA requires the nonattainment area plans addressed by this rule to be developed and submitted by states within 2 to 3 years after the July 20, 2012 date of nonattainment designations.

Summary of Legal Basis: CAA section 110 authorizes EPA to require state planning to attain the NAAQS and to help states implement their plans.

Alternatives: The rule included several alternatives for meeting implementation requirements, including but not limited to options for SIP submittal dates, NO_X substitution for VOC in RFP SIPs, alternative baseline years for RFP and alternatives for addressing anti-backsliding requirements once the 1997 ozone NAAQS has been revoked. The EPA solicited comments on a number of topics, including alternative approaches to achieving RFP, RACT flexibility and alternate revocation dates for the 1997 ozone NAAQS.

Anticipated Cost and Benefits: The annual burden for this information collection averaged over the first 3 years is estimated to be a total of 120,000 labor hours per year at an annual labor cost of $2.4 million (present value) over the 3-year period or approximately $91,000 per state for the 26 state respondents, including the District of Columbia. The average annual reporting burden is 690 hours per response, with approximately 2 responses per state for 58 state respondents. There are no capital or operating and maintenance costs associated with the proposed rule requirements. Burden is defined at 5 CFR 1320.3(b).

Risks: Ozone concentrations that exceed the National Ambient Air Quality Standards (NAAQS) to can cause adverse public health and welfare effects, as discussed in the March 27, 2008 Final Rule for NAAQS for Ozone (73 FR 16436).

Timetable:

Action	Date	FR Cite
NPRM	06/06/13	78 FR 34177
NPRM Comment Period Extended.	07/24/13	78 FR 44485
Final Rule	03/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

Additional Information: Docket #: EPA–HQ–OAR–2010–0885.

URL For More Information: http://www.epa.gov/air/ozonepollution/actions.html#impl.

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RIN: 2060–AR34

EPA—AR

136. Carbon Pollution Standards for Modified and Reconstructed Stationary Sources: Electric Utility Generating Units

Priority: Other Significant.

Legal Authority: CAA 111

CFR Citation: 40 CFR 60.

Legal Deadline: None.

Abstract: This final rule will amend the electric generating units (EGU) New Source Performance Standards for modified and reconstructed facilities for greenhouse gas (GHG) under Clean Air Act section 111(b).

Statement of Need: The issuance of standards of performance for modified and reconstructed power plants is an action item in President Obama's Climate Action Plan (CAP). The CAP calls for the EPA to issue a proposal by no later than June 1, 2014 and to issue a final rule by no later than June 1, 2015.

Summary of Legal Basis: CO_2 is a regulated pollutant and thus is subject to regulation under section 111 of the Clean Air Act as amended in 1990.

Alternatives: Alternatives were discussed in the proposal preamble published on June 18, 2014, at 79 FR 34959.

Anticipated Cost and Benefits: The EPA anticipates few covered units will trigger the reconstruction or modification provisions in the period of analysis (through 2025). As a result, we do not anticipate any significant costs or benefits associated with this proposal.

Risks: The risk addressed is the current and future threat of climate change to public health and welfare, as demonstrated in the 2009 Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	06/18/14	79 FR 34959
NPRM Comment Period End.	10/16/14	
Final Rule	06/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.

Additional Information: Docket #: EPA–HQ–OAR–2013–0603.

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Related RIN: Related to 2060–AQ91, Related to 2060–AR33

RIN: 2060–AR88

EPA—OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP)

Final Rule Stage

137. Pesticides; Agricultural Worker Protection Standard Revisions

Priority: Other Significant.

Legal Authority: 7 U.S.C. 136w

CFR Citation: 40 CFR 170.

Legal Deadline: None.

Abstract: On March 19, 2014, the EPA proposed to revise the federal regulations issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that direct agricultural worker protection (40 CFR 170). The proposed changes are in response to extensive stakeholder review of the regulation and its implementation since 1992, and reflect current research on how to mitigate occupational pesticide exposure to agricultural workers and pesticide handlers. The EPA is proposing to strengthen the protections provided to agricultural workers and handlers under the worker protection standard by improving elements of the existing regulation, such as training, notification, communication materials, use of personal protective equipment, and decontamination supplies. The EPA expects the revisions, once final, to prevent unreasonable adverse effects from exposure to pesticides among agricultural workers and pesticide

handlers; vulnerable groups, such as minority and low-income populations, child farmworkers, and farmworker families; and the general public. The EPA recognizes the importance and independence of family farms and is proposing to expand the immediate family exemption to the WPS.

Statement of Need: Stakeholders have identified gaps in the protections in the current worker protection regulations. Revisions to the regulations are necessary to better protect agricultural workers and pesticide handlers from unreasonable adverse effects of pesticide exposure.

Summary of Legal Basis: This rulemaking is being developed under the authority of sections 2 through 35 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136–136y, and particularly section 25(a), 7 U.S.C. 136w(a).

Alternatives: EPA proposed several amendments to the existing WPS requirements, including: amending the existing pesticide safety training content, retraining interval (frequency), and qualifications of trainers; ensuring workers receive safety information before entering any pesticide treated area by amending the existing grace period and expanding the training required during the grace period; establishing a minimum age of 16 for handlers and for workers who enter an area under an re-entry interval (REI); establishing requirements for specific training and notification for workers who enter an area under an REI; restricting persons' entry into areas adjacent to a treated area during an application; enhancing the requirement for employers to post warning signs around treated areas; modifying the content of the warning sign; adding information employers must keep under the requirement to maintain application-specific information; requiring recordkeeping for pesticide safety training and worker entry into areas under an REI; ensuring the immediate family exemption includes an exemption from the proposed minimum age requirements for handlers and early-entry workers; and expanding the definition of immediate family to allow more family-owned operations to qualify for the exemptions to the WPS requirements. EPA considered a variety of alternatives for each of the proposed changes. The published NPRM describes each of the alternatives considered in detail.

Anticipated Cost and Benefits: The Economic Analysis issued with the proposed rule provides the EPA's analysis of the potential costs and impacts associated with the proposed rule. As proposed, the estimated cost is between $62 and $73 million annually, with most of the cost on the agricultural employer; and the quantified benefits are estimated between $5–$14 million annually, from avoided acute illnesses. A break even analysis of the potential reduction in chronic illnesses indicates that only 53 cases of several chronic illnesses (Parkinson's disease, non-Hodgkin's lymphoma, prostate cancer, lung cancer, chronic bronchitis, and asthma) would satisfy the gap between the quantified benefits and the cost.

Risks: Agricultural workers and pesticide handlers are at risk from pesticide exposure through their work activities, and may put their families at risk of secondary exposures. In order to address exposure risks to workers, pesticide handlers, and their families, the Agency has proposed revisions identified by stakeholders.

Timetable:

Action	Date	FR Cite
NPRM	03/19/14	79 FR 15443
NPRM Comment Period Extended.	05/14/14	79 FR 27546
NPRM Comment Period End.	06/17/14	
NPRM Comment Period Extended End.	08/18/14	
Final Rule	05/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

Additional Information: Docket #: EPA–HQ–OPP–2011–0184–0119.

Sectors Affected: 111 Crop Production; 115 Support Activities for Agriculture and Forestry; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 541690 Other Scientific and Technical Consulting Services; 541712 Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology); 8133 Social Advocacy Organizations

URL For More Information: http://www.epa.gov/pesticides/health/worker.htm.

URL For Public Comments: http://www.regulations.gov/#!docketDetail;D=EPA-HQ-OPP-2011-0184.

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RIN: 2070–AJ22

EPA—OCSPP

138. Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards for Composite Wood Products

Priority: Other Significant.

Legal Authority: 15 U.S.C. 2697; TSCA sec 601.

CFR Citation: 40 CFR 770.

Legal Deadline: Final, Statutory, January 1, 2013, Deadline for promulgation of regulations, per 15 U.S.C. 2697(d).

Abstract: The EPA is developing a final rule under the Formaldehyde Standards for Composite Wood Products Act was enacted in 2010 as title VI of Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, to establish specific formaldehyde emission limits for hardwood plywood, particleboard, and medium-density fiberboard, which are identical to the California emission limits for these products. In 2013, the EPA issued a proposed rule under TSCA title VI to establish a framework for a TSCA title VI Third-Party Certification Program whereby third-party certifiers (TPCs) are accredited by accreditation bodies (ABs) so that they may certify composite wood product panel producers under TSCA title VI. The proposed rule identifies the roles and responsibilities of the groups involved in the TPC process (EPA, ABs, and TPCs), as well as the criteria for participation in the program. This proposal contains general requirements for TPCs, such as conducting and verifying formaldehyde emission tests, inspecting and auditing panel producers, and ensuring that panel producers' quality assurance and quality control procedures comply with the regulations set forth in the proposed rule. A separate Regulatory Agenda entry (RIN 2070–AJ92) covers the other proposed regulation to implement the statutory formaldehyde emission standards for hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured (including imported) in the United States. EPA may decide to issue a single final rule to promulgate the final requirements related to both proposed rules.

Statement of Need: TSCA title VI directs the EPA to promulgate

regulations to implement the statutory formaldehyde emission standards and emissions testing requirements for composite wood products (hardwood plywood, particleboard, and medium-density fiberboard). It also directs the EPA to include regulatory provisions relating to third-party testing and certification in addition to the auditing and reporting of third-party certifiers.

Summary of Legal Basis: The EPA is issuing this rule under title VI of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, enacted in the Formaldehyde Standards for Composite Wood Products Act of 2010, which provides authority for the EPA to ''Â'Â'promulgate regulations to implement the standards required under subsection (b) of the Act. This provision includes authority to promulgate regulations relating to Â'Â'third-party testing and certification' and Â'Â'auditing and reporting of third-party certifiers.''

Alternatives: As explained in the proposed rule, EPA considered a variety of alternatives. EPA considered directly operating a program for the accreditation of TPCs instead of entering into recognition agreements with ABs for that purpose. EPA considered increasing the amount of time for receiving accreditations under TSCA Title VI that was proposed to be afforded to TPCs that are already recognized by the California Air Resources Board (CARB). In addition, EPA considered requiring TPCs to be reaccredited every 2 years (which would align with CARB's requirements) instead of every 3 year years, and requiring Abs to audit TPCs once every 3 years instead of every 2 years (which would align with the proposed 3 year accreditation period). EPA also considered alternative retailer recordkeeping provisions for records related to the manufacture of component parts and finished goods prior to the effective date of the final rule. Finally, while the Agency did not propose mandatory electronic reporting for information that ABs and TPCs would be required to submit under the proposed rule, EPA sought public comment on such a requirement. EPA is evaluating public comments concerning the proposed rule and alternatives as it formulates the final rule.

Anticipated Cost and Benefits: Issued with the proposed rule, the Economic Analysis provides the EPA analysis of the potential costs and impacts associated with this rulemaking. As proposed, the annualized costs are estimated at approximately $34,000 per year using either a 3% discount rate or a 7% discount rate. This rule would impact an estimated 9 small entities, of which 8 are expected to have impacts of less than 1% of revenues or expenses, and 1 is expected to have impacts between 1% and 3%. State, Local, and Tribal Governments are not expected to be subject to the rule's requirements, which apply to third-party certifiers and accreditation bodies. The rule does not have a significant intergovernmental mandate, significant or unique effect on small governments, or have Federalism implications.

Risks: At room temperature, formaldehyde is a colorless, flammable gas that has a distinct, pungent smell. Small amounts of formaldehyde are naturally produced by plants, animals and humans. Formaldehyde is used widely by industry to manufacture a range of building materials and numerous household products. It is in resins used to manufacture some composite wood products (*e.g.,* hardwood plywood, particleboard and medium-density fiberboard). Everyone is exposed to small amounts of formaldehyde in the air, some foods, and products, including composite wood products. The primary way you can be exposed to formaldehyde is by breathing air containing it. Formaldehyde can cause irritation of the skin, eyes, nose, and throat. High levels of exposure may cause some types of cancers.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/08	73 FR 73620
Second ANPRM	01/30/09	74 FR 5632
NPRM	06/10/13	78 FR 34795
NPRM Comment Period Extended.	07/23/13	78 FR 44090
NPRM Comment Period Extended.	08/21/13	78 FR 51696
Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Docket #: ANPRM stage: EPA–HQ–OPPT–2008–0627; NPRM Stage: EPA–HQ–OPPT–2011–0380. See also RIN 2070–AJ92.

Sectors Affected: 541611 Administrative Management and General Management Consulting Services; 541990 All Other Professional, Scientific, and Technical Services; 561990 All Other Support Services; 813910 Business Associations; 541330 Engineering Services; 813920 Professional Organizations; 321219 Reconstituted Wood Product Manufacturing; 541380 Testing Laboratories; 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing

URL For More Information: http://www.epa.gov/opptintr/chemtest/formaldehyde/index.html.

URL For Public Comments: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2011-0380-0001.

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RIN: 2070–AJ44

EPA—OCSPP

139. Formaldehyde Emissions Standards for Composite Wood Products

Priority: Other Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 15 U.S.C. 2697; TSCA sec 601.

CFR Citation: 40 CFR 770.

Legal Deadline: Final, Statutory, January 1, 2013, Statutory Deadline. NPRM, Statutory, January 1, 2013, Deadline is for issuance of FINAL Rule.

Abstract: The EPA is developing a final rule under the Formaldehyde Standards for Composite Wood Products Act that was enacted in 2010 as title VI of Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, and requires that the EPA promulgate implementing regulations to establish specific formaldehyde emission limits for hardwood plywood, particleboard, and medium-density fiberboard, which limits are identical to the California emission limits for these products. In 2013, the EPA proposed regulations to implement emissions standards established by TSCA title VI for composite wood products sold, supplied, offered for sale, or manufactured in the United States. Pursuant to TSCA section 3(7), the

definition of ''manufacture'' includes import. As required by title VI, these regulations apply to hardwood plywood, medium-density fiberboard, and particleboard. TSCA title VI also directs EPA to promulgate supplementary provisions to ensure compliance with the emissions standards, including provisions related to labeling; chain of custody requirements; sell-through provisions; ULEF resins; no-added formaldehyde-based resins; finished goods; third-party testing and certification; auditing and reporting of third-party certifiers; recordkeeping; enforcement; laminated products; and exceptions from the requirements of regulations promulgated pursuant to this subsection for products and components containing de minimis amounts of composite wood products. A separate Regulatory Agenda entry (RIN 2070–AJ44) addresses requirements for accrediting bodies and third-party certifiers. EPA may decide to issue a single final rule to promulgate the final requirements related to both proposed rules.

Statement of Need: TSCA title VI directs the EPA to promulgate regulations to implement the statutory formaldehyde emission standards and emissions testing requirements for composite wood products (hardwood plywood, particleboard, and medium-density fiberboard).

Summary of Legal Basis: The EPA is issuing this rule under title VI of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, enacted in the Formaldehyde Standards for Composite Wood Products Act of 2010, which directs EPA to promulgate regulations to implement the formaldehyde emission standards and emissions testing requirements established by the Act. Congress directed the EPA to consider a number of elements for inclusion in the implementing regulations, many of which are aspects of the California Air Resources Board (CARB) program. These elements include: (a) labeling, (b) chain of custody requirements, (c) sell-through provisions, (d) ultra low-emitting formaldehyde resins, (e) no-added formaldehyde-based resins, (f) finished goods, (g) third-party testing and certification, (h) auditing and reporting of TPCs, (i) recordkeeping, (j) enforcement, (k) laminated products, and (l) exceptions from the requirements of regulations promulgated for products and components containing de minimis amounts of composite wood products.

Alternatives: TSCA Title VI establishes national formaldehyde emission standards for composite wood products and the EPA has not been given the authority to change those standards. EPA considered various alternatives to other proposed requirements. With respect to a definition of hardwood plywood, EPA considered exempting all laminated products from the definition, exempting all laminated products except architectural panels and custom plywood, exempting laminated products made using no-added formaldehyde (NAF) resins to attach veneer to platforms certified as NAF, and exempting laminated products made using NAF resins to attach veneer to compliant and certified platforms. EPA also considered allowing certifications for ultra-low emitting formaldehyde. Furthermore, EPA considered reduced recordkeeping requirements for firms that do not qualify as manufacturers under TSCA, not requiring notification to suppliers that the products supplied must comply with TSCA Title VI, and allowing to tested lots to be shipped before test results are available. EPA is evaluating implementation alternatives in this rulemaking and public comments.

Anticipated Cost and Benefits: Issued with the proposed rule, the Economic Analysis provides the EPA's analysis of the potential costs and benefits associated with this rulemaking. As proposed, this rulemaking will reduce exposures to formaldehyde, resulting in benefits from avoided adverse health effects. For the subset of health effects where the results were quantified, the estimated annualized benefits (due to avoided incidence of eye irritation and nasopharyngeal cancer) are $20 million to $48 million per year using a 3% discount rate, and $9 million to $23 million per year using a 7% discount rate. There are additional unquantified benefits due to other avoided health effects. The annualized costs are estimated at $72 million to $81 million per year using a 3% discount rate, and $80 million to $89 million per year using a 7% discount rate. Government entities are not expected to be subject to the rule's requirements, which apply to entities that manufacture (including import), fabricate, distribute, or sell composite wood products. EPA also estimated that the rulemaking would impact nearly 879,000 small businesses: Over 851,000 have costs impacts less than 1% of revenues, over 23,000 firms have impacts between 1% and 3%, and over 4,000 firms have impacts greater than 3% of revenues. Most firms with impacts over 1% have annualized costs of less than $250 per year. This rule increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population or children. The estimated costs of the proposed rule exceed the quantified benefits. There are additional unquantified benefits due to other avoided health effects. After assessing both the costs and the benefits of the proposal, including the unquantified benefits, EPA has made a reasoned determination that the benefits of the proposal justify its costs.

Risks: At room temperature, formaldehyde is a colorless, flammable gas that has a distinct, pungent smell. Small amounts of formaldehyde are naturally produced by plants, animals and humans. Formaldehyde is used widely by industry to manufacture a range of building materials and numerous household products. It is in resins used to manufacture some composite wood products (*e.g.,* hardwood plywood, particleboard and medium-density fiberboard). Everyone is exposed to small amounts of formaldehyde in the air, some foods, and products, including composite wood products. The primary way you can be exposed to formaldehyde is by breathing air containing it. Formaldehyde can cause irritation of the skin, eyes, nose, and throat. High levels of exposure may cause some types of cancers.

Timetable:

Action	Date	FR Cite
NPRM	06/10/13	78 FR 34820
NPRM Comment Period Extended.	07/23/13	78 FR 44089
NPRM Comment Period Extended.	08/21/13	78 FR 51695
Notice	04/08/14	79 FR 19305
NPRM Comment Period Extended.	05/09/14	79 FR 26678
NPRM Comment Period Extended End.	05/26/14	
Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Docket #: EPA–HQ–OPPT–2012–0018. See also RIN 2070–AJ44.

Sectors Affected: 325199 All Other Basic Organic Chemical Manufacturing;

337212 Custom Architectural Woodwork and Millwork Manufacturing; 321213 Engineered Wood Member (except Truss) Manufacturing; 423210 Furniture Merchant Wholesalers; 442110 Furniture Stores; 444130 Hardware Stores; 321211 Hardwood Veneer and Plywood Manufacturing; 444110 Home Centers; 337127 Institutional Furniture Manufacturing; 423310 Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers; 453930 Manufactured (Mobile) Home Dealers; 321991 Manufactured Home (Mobile Home) Manufacturing; 336213 Motor Home Manufacturing; 337122 Nonupholstered Wood Household Furniture Manufacturing; 444190 Other Building Material Dealers; 423390 Other Construction Material Merchant Wholesalers; 325211 Plastics Material and Resin Manufacturing; 321992 Prefabricated Wood Building Manufacturing; 321219 Reconstituted Wood Product Manufacturing; 441210 Recreational Vehicle Dealers; 337215 Showcase, Partition, Shelving, and Locker Manufacturing; 321212 Softwood Veneer and Plywood Manufacturing; 336214 Travel Trailer and Camper Manufacturing; 337121 Upholstered Household Furniture Manufacturing; 337110 Wood Kitchen Cabinet and Countertop Manufacturing; 337211 Wood Office Furniture Manufacturing; 337129 Wood Television, Radio, and Sewing Machine Cabinet Manufacturing

URL for More Information: http://www.epa.gov/opptintr/chemtest/formaldehyde/index.html.

URL for Public Comments: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2012-0018-0001.

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RIN: 2070–AJ92

EPA—Solid Waste and Emergency Response (SWER)

Final Rule Stage

140. Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 U.S.C. 6905; 42 U.S.C. 6906; 42 U.S.C. 6907(a)(3); 42 U.S.C. 6912; 42 U.S.C. 6912(a); 42 U.S.C. 6912(a)(1); 42 U.S.C. 6921; 42 U.S.C. 6922; 42 U.S.C. 6923; 42 U.S.C. 6924; 42 U.S.C. 6925; 42 U.S.C. 6925(j); 42 U.S.C. 6935; 42 U.S.C. 6936; 42 U.S.C. 6937; 42 U.S.C. 6944(a); 42 U.S.C. 6949a(c); 33 U.S.C. 1345(d); 33 U.S.C. 1345(e)

CFR Citation: 40 CFR 257; 261; 264; 265; 268; 271; 302.

Legal Deadline: Final, Judicial, December 19, 2014, Signature date.

Abstract: On June 21, 2010, the EPA proposed, under the Resource Conservation and Recovery Act (RCRA) to regulate coal combustion residuals (CCRs) generated from the combustion of coal at electric utilities and independent power producers to address risks from the disposal of CCRs in surface impoundments and landfills. The EPA sought public comments on two regulatory approaches. One proposed option would be to list these residuals as ''special wastes,'' and draws from remedies available under subtitle C of RCRA, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other proposed option included remedies under subtitle D of RCRA, which gives the EPA authority to set disposal standards for waste management facilities. Under both options, the EPA proposed not to regulate the beneficial use of CCRs, such as its use in concrete. In addition, this rule did not address CCRs generated from non-utility boilers burning coal, nor would it address the placement of coal combustion residuals in mines or non-minefill uses of CCRs at coal mine sites. Since the publication of the proposed rule, EPA has issued three Notices of Data Availability (NODAs) seeking public comment on additional data and information obtained by the EPA. In the most recent NODA, issued on August 2, 2013, the EPA invited comment on additional information to supplement the Regulatory Impact Analysis and risk assessment; information on large scale fill; and data on the surface impoundment structural integrity assessments. With this NODA, the EPA also sought comment on two issues associated with the requirements for CCR management units, closure and the construction of new units over pre-existing CCR landfills and surface impoundments. Under a consent decree, a final rule must be signed no later than December 19, 2014.

Statement of Need: The EPA is proposing to regulate for the first time, coal combustion residuals under the Resource Conservation and Recovery Act (RCRA) to address the risks from the disposal of coal combustion residuals in surface impoundments and landfills, generated from the combustion of coal at electric utilities and by independent power producers.

Summary of Legal Basis: The CCR rule was proposed under the authority of sections 1008(a), 2002(a), 3001, 3004, 3005, and 4004 of the Solid Waste Disposal Act of 1970, as amended by RCRA and as amended by the hazardous and Solid Waste Amendments of 1984 (HSWA). These statutes, combined, are commonly referred to as ''RCRA.'' RCRA section 1008(a) authorizes the EPA to publish ''suggested guidelines for solid waste management.'' Such guidelines must provide a technical and economic descriptions of the level of performance that can be achieved by available solid waste management practices that provide for the protection of human health and the environment. RCRA section 2002 grants the EPA broad authority to prescribe, in consultation with federal, state and regional authorities, such regulations as are necessary to carry out the function under federal solid waste disposal laws. RCRA section 3001(b) requires EPA to list particular wastes that will be subject to the requirements established under subtitle C. Section 3001(b)(3)(A) generally establishes a temporary exemption for CCRs primarily from the combustion of coal or other fossil fuels and requires the EPA to conduct a study to determine whether these waste should be regulated under Subtitle C or RCRA. Section 3004 generally requires EPA to establish standards for the treatment, storage, and disposal of hazardous waste to ensure protection of human health and the environment. RCRA section 3004(x) allows the Administrator to tailor certain specified requirements for particular categories of wastes. RCRA section 3005 generally requires that any facility that treats, stores, or disposes of wastes identified or listed under subtitle C, to have a permit. RCRA section 4004 requires the EPA to promulgate regulations

containing criteria for determining which facilities shall be classified as sanitary landfills (and not open dumps).

Alternatives: In the proposed rule EPA considered two options for the regulation of CCRs. Under the first option, the EPA would reverse its August 1993 and May 2000 Bevill Regulatory Determinations regarding CCRs and list these residuals as special wastes subject to regulation under subtitle C of RCRA, when they are destined for disposal in landfills or surface impoundments. Under the second option, the EPA would leave the Bevill determination in place and regulate the disposal of such materials under subtitle D of RCRA by issuing national minimum criteria. Under both options, the EPA considered establishing dam safety requirements to address the structural integrity of surface impoundment to prevent catastrophic releases. The EPA also solicited comment on a number of alternatives including several combination approaches, such as regulating surface impoundments under subtitle C of RCRA while regulating landfills under subtitle D or RCRA.

Anticipated Cost and Benefits: The EPA estimated the potential costs and benefits of the proposed CCR rule in a regulatory impact analysis (RIA) dated April 2010. Although in June 2010 the EPA co-proposed two regulatory options (*i.e.,* subtitle C and subtitle D options) for the CCR rule, the RIA evaluated three regulatory approaches to the proposed rule: subtitle C, subtitle D, and subtitle ''D Prime'' options. The RIA is available from the regulatory docket as document ID number EPA–HQ–RCRA–2009–0640–0003. Based on a 50-year future period of analysis using a 7% discount rate at year 2009 price level, the RIA estimated the potential average annual future costs of these three options to range between $1,474 million, $587 million, and $236 million per year, respectively. These costs are associated with 12 to 19 different combinations of pollution controls (*i.e.,* engineering controls & ancillary requirements) proposed for each option such as groundwater monitoring, landfill and impoundment bottom liners, fugitive dust controls, and location restrictions, to name a few.

Based on three monetized benefit categories consisting of (a) avoided future groundwater contamination from CCR landfills and impoundments, (b) avoided future CCR impoundment structural failures, and (c) induced future increase in the beneficial uses of CCR as a substitute ingredient in concrete, cement, wallboard, and about a dozen other markets, the RIA estimated the potential future average annual benefits of the three options to range between $6,320 to $7,405, $2,533 to $3,026 and $1,023 to $1,268 per year, respectively. Because some stakeholders during the development of the CCR proposed rule asserted to the EPA a potential future stigma effect in beneficial use markets under the Subtitle C option, the RIA also evaluated a potential dis-benefit decrease in CCR beneficial uses under an alternative scenario, as well as under a no change in beneficial use scenario.

Risks: The EPA's damage cases and risk assessments all indicated the potential for CCR landfills and surface impoundments to leach hazardous constituents into groundwater, impairing drinking water supplies and causing adverse impacts on human health and the environment. Indeed, groundwater contamination is one of the key environmental risks the EPA has identified with CCR landfills and surface impoundments. Furthermore, as mentioned previously, the legislative history of RCRA specifically evidences concerns over groundwater contamination from disposal units. Composite liners, as modeled in the 2010 draft risk assessment, effectively reduce risks from all constituents to below the risk criteria for both landfills and surface impoundments at the 90th and 50th percentiles. Thus, the requirements for new units to be composite lined will reduce future risks significantly. However, the EPA proposed several regulatory alternatives that may or may not require existing units without composite liners to close.

To this end, groundwater monitoring is a key mechanism for facilities to verify that the existing containment structures, such as liners and leachate collection and removal systems, are functioning as intended. Thus, the EPA believes that, in order for a CCR landfill or surface impoundment to meet RCRA's protection standard, a system of routine groundwater monitoring to detect any such contamination from a disposal unit, and corrective action requirements to address identified contamination, is necessary. EPA's proposed groundwater monitoring criteria require a system of monitoring wells be installed at new and existing CCR landfills and surface impoundments. The proposed criteria also provide procedures for sampling these wells and methods for statistical analysis of the analytical data derived from the well samples to detect the presence of hazardous constituents released from these facilities. The Agency proposed a groundwater monitoring program consisting of detection monitoring, assessment monitoring, and a corrective action program. This phased approach to groundwater monitoring and corrective action programs provide for a graduated response over time to the problem of groundwater contamination as the evidence of such contamination increases. This allows for proper consideration of the transport characteristics of CCR constituents in ground water, while protecting human health and the environment, and minimizing unnecessary costs.

Timetable:

Action	Date	FR Cite
Notice	08/29/07	72 FR 49714
NPRM	06/21/10	75 FR 35128
Notice	07/15/10	75 FR 41121
Notice	10/12/11	76 FR 63252
Notice	08/02/13	78 FR 46940
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Docket #:EPA–HQ–RCRA–2009–0640, EPA–HQ–RCRA–2011–0392. *http://www.regulations.gov/#!docketDetail;D=EPA-HQ-RCRA-2009-0640.*

Sectors Affected: 221112 Fossil Fuel Electric Power Generation.

URL for More Information: http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/ccr-rule/index.htm.

URL for Public Comments: http://www.regulations.gov/#!docketDetail;D=EPA-HQ-RCRA-2011-0392.

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RIN: 2050–AE81

EPA—SWER

141. Revising Underground Storage Tank Regulations—Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 42 U.S.C. 6991*et seq.*

CFR Citation: 40 CFR 280–281.

Legal Deadline: None.

Abstract: The Underground Storage Tank (UST) regulations were first promulgated in 1988 primarily to prevent releases from retail petroleum marketers (gas stations) and other facilities into the environment. These regulations have reduced the incidents of contamination. However, there is a need to revise the regulations to incorporate changes to the UST program from the Energy Policy Act of 2005, as well as to update outdated portions of the regulations due to changes in technology since the 1980s. On August 8, 2005, President Bush signed the Energy Policy Act of 2005 (EPAct). Title XV, Subtitle B of this act (entitled the Underground Storage Tank Compliance Act of 2005), amends Subtitle I of the Solid Waste Disposal Act, the original legislation that created the UST program. There are key provisions of the EPAct that apply to states receiving federal UST funding but do not apply in Indian Country, including requirements for secondary containment and operator training. The EPA will also use our knowledge of the program gained over the last 20 years to update and revise the regulations to make targeted changes to improve implementation and prevent UST releases. In the NPRM, the EPA proposed: adding secondary containment requirements for new and replaced tanks and piping; adding operator training requirements; adding periodic operation and maintenance requirements for UST systems; removing certain deferrals; adding new release prevention and detection technologies; updating codes of practice; making editorial and technical corrections; and updating state program approval requirements to incorporate these new changes.

Statement of Need: The Underground Storage Tank (UST) regulations were first promulgated in 1988 primarily to prevent releases from retail petroleum marketers (gas stations) and other facilities into the environment. These regulations have reduced the incidents of contamination. However, there is a need to revise the regulations to incorporate changes to the UST program from the Energy Policy Act of 2005, as well as to update outdated portions of the regulations due to changes in technology since the 1980s. On August 8, 2005, President Bush signed the Energy Policy Act of 2005 (EPAct). Title XV, Subtitle B of this act (entitled the Underground Storage Tank Compliance Act of 2005), amends Subtitle I of the Solid Waste Disposal Act, the original legislation that created the UST program. There are key provisions of the EPAct that apply to states receiving federal UST funding but do not apply in Indian Country, including requirements for secondary containment and operator training. EPA also used its knowledge of the program gained over the last 20 years to propose revisions to the regulations to make targeted changes to improve implementation and prevent UST releases.

Summary of Legal Basis: The legal basis for this rulemaking comes from 42 U.S.C. 6912, 6991, 6991(a), 6991(b), 6991(c), 6991(d), 6991(e), 6991(f), 6991(g), and 6991(h).

Alternatives: Anticipated Cost and Benefits: The EPA prepared an analysis of the potential incremental costs and benefits associated with the revisions to the UST regulation. The RIA estimated regulatory implementation and compliance costs, as well as benefits for the regulatory options considered. A substantial portion of the beneficial impacts associated with the final UST regulation are avoided cleanup costs as a result of preventing releases and reducing the severity of releases. Due to data and resource constraints, the EPA was unable to quantify some of the final UST regulation's benefits, including avoidance of human health risks, ecological benefits, and mitigation of acute exposure events and large-scale releases, such as those from airport hydrant systems and field-constructed tanks. This regulation will increase the protection of groundwater throughout the country, but the EPA was unable to place a value on the groundwater protected by this UST regulation.

Under the proposed rule, on an annualized basis, the estimated regulatory compliance costs are $210 million (Selected Option), $520 million (Option 1) and $130 million (Option 2). Separately, the proposed rule allows for annual cost savings related to avoided costs of $300–470 million (Selected Option), $310–770 million (Option 1) and $110–590 million (Option 2).

Risks: There are approximately 575,000 underground storage tanks (USTs) nationwide that store petroleum or hazardous substances. The greatest potential threat from a leaking UST is contamination of groundwater, the source of drinking water for nearly half of all Americans.

Timetable:

Action	Date	FR Cite
NPRM	11/18/11	76 FR 71708
NPRM Comment Period Extended.	02/15/12	77 FR 8757
Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: Docket #:EPA–HQ–UST–2011–0301

Sectors Affected: 72 Accommodation and Food Services; 481 Air Transportation; 48811 Airport Operations; 112 Animal Production; 111 Crop Production; 2211 Electric Power Generation, Transmission and Distribution; 447 Gasoline Stations; 622 Hospitals; 31–33 Manufacturing; 486 Pipeline Transportation; 44–45 Retail Trade; 485 Transit and Ground Passenger Transportation; 484 Truck Transportation; 483 Water Transportation; 42 Wholesale Trade

URL for More Information: http://www.epa.gov/oust/fedlaws/proposedregs.html

URL for Public Comments: http://www.regulations.gov/#!documentDetail;D=EPA–HQ–UST–2011–0301–0001

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RIN: 2050–AG46

EPA—WATER (WATER)

Final Rule Stage

142. Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 33 U.S.C. 1311; 33 U.S.C. 1314; 33 U.S.C. 1316; 33 U.S.C. 1317; 33 U.S.C. 1318; 33 U.S.C. 1342; 33 U.S.C. 1361

CFR Citation: 40 CFR 423 revision.

Legal Deadline: NPRM, Judicial, April 19, 2013, Consent Decree.

Final, Judicial, September 30, 2015, 9/30/2015—Consent Decree deadline for Final Action—Defenders of Wildlife v. Jackson, 10–1915, D. DC

Abstract: The EPA establishes national technology-based regulations, called effluent limitations guidelines and standards, to reduce discharges of pollutants from industries to waters of the U.S. These requirements are incorporated into National Pollutant Discharge Elimination System (NPDES) discharge permits issued by the EPA and states and through the national pretreatment program. The steam electric effluent limitations guidelines and standards apply to steam electric power plants using nuclear or fossil fuels, such as coal, oil and natural gas. There are about 1,200 nuclear- and fossil-fueled steam electric power plants nationwide; approximately 500 of these power plants are coal-fired. In a study completed in 2009, EPA found that the current regulations, which were last updated in 1982, do not adequately address the pollutants being discharged and have not kept pace with changes that have occurred in the electric power industry over the last three decades. The rulemaking may address discharges associated with coal ash waste and flue gas desulfurization (FGD) air pollution controls, as well as other power plant waste streams. Power plant discharges can have major impacts on water quality, including reduced organism abundance and species diversity, contamination of drinking water sources, and contamination of fish. Pollutants of concern include metals (*e.g.,* mercury, arsenic and selenium), nutrients, and total dissolved solids. The proposed rule was published in the **Federal Register** on June 7, 2013 (''Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, '' 78 FR 34431).

Statement of Need: Steam electric power plants contribute over half of all toxic pollutants discharged to surface waters by all industrial categories currently regulated in the United States under the Clean Water Act. For example, steam electric plants annually discharge: 64,400 lb. of lead Ä•2,820 lb. of mercury Ä•79,200 lb. of arsenic Ä•225,000 lb. of selenium Ä• 1,970,000 lb. of aluminum Ä•4,990,000 lb. of zinc Ä•30,000,000 lb. of nitrogen Ä•682,000 lb. of phosphorus 14,500,000 lb. of manganese Ä•158,000 lb. of vanadium; and Ä•27 other pollutants. Discharges of these toxic pollutants are linked to cancer, neurological damage, and ecological damage. Many of these toxic pollutants, once in the environment, remain there for years. These pollutant discharges contribute to: over 160 water bodies not meeting State quality standards Ä•185 waters for which there are fish consumption advisories; and Ä•degradation of 399 water bodies across the country that are drinking water supplies. The revised steam electric rule would strengthen the existing controls on discharges from these plants. It would set the first Federal limits on the levels of toxic metals in wastewater that can be discharged from power plants, based on technology improvements in the industry over the last three decades.

Summary of Legal Basis: Section 301(b)(2) of the Clean Water Act (''CWA'') requires the EPA to promulgate effluent limitations for categories of point sources, using technology-based standards that govern the sources' discharge of certain pollutants. 33 U.S.C. 1311(b)(2). Section 304(b) directs the EPA to develop effluent guidelines that identify certain technologies and control measures available to achieve effluent reductions for each point source category, specifying factors to be taken into account in identifying those technologies and control measures. 33 U.S.C. 1314(b). Since the 1970s, the EPA has formulated effluent limitations and effluent guidelines in tandem through a single administrative process. Am. Frozen Food Inst. v. Train, 539 F.2d 107 (D.C. Cir. 1976). For new sources, the CWA authorizes the EPA to set Standards of Performance for categories of sources. 33 U.S.C. 1316. For new and existing facilities that introduce pollutants into Publicly Owned Treatment Works, the EPA promulgates pretreatment standards. 33 U.S.C. 1317(b), (c). Together, effluent limitations guidelines, standards of performance, and pretreatment standards are called ''Effluent Limitations Guidelines and Standards,'' or ''ELGs.'' The CWA also requires the EPA to perform an annual review of existing effluent guidelines and to revise them, if appropriate. 33 U.S.C. 1314(b); see also 33 U.S.C. 1314(m)(1)(A). The EPA originally established effluent limitations guidelines and standards for the steam electric generating point source category in 1974 and last updated them in 1982. 47 FR 52,290 (Nov. 19, 1982). As described above, the EPA determined the existing regulations do not adequately address the pollutants being discharged and that revisions are appropriate.

Alternatives: This analysis will cover various sizes and types of potentially regulated pollutant discharges and associated control technologies. For example, the proposal identified four preferred regulatory options that differ in the number of waste streams covered, size of the units controlled, and stringency of controls.

Anticipated Cost and Benefits: The EPA's proposed revisions to the steam electric rule identified a range of preferred regulatory options. The EPA's estimates of the annual social costs of the steam electric rule range from $185 million to $954 million with associated annual pollutant discharge reductions of 470 million to 2.62 billion pounds and water use reductions of 50 billion to 103 billion gallons. The EPA's estimate of the monetized benefits, which only includes a portion of the benefits, range from $139 million to $483 million. The range reflects that different regulatory options would control different wastestreams and provide different stringency of controls.

Risks: Effluent limitations guidelines and standards are technology based discharge requirements. As such, EPA has not assessed risk associated with this action. However, as detailed in the Statement of Need, toxic pollutant discharges from steam electric plants are linked to cancer, neurological damage, and ecological damage.

Timetable:

Action	Date	FR Cite
NPRM	06/07/13	78 FR 34431
NPRM Comment Period Extended.	07/12/13	78 FR 41907
Final Rule	09/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Local, State.

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: Docket #:EPA–HQ–OW–2009–0819.

Sectors Affected: 22111 Electric Power Generation; 221112 Fossil Fuel Electric Power Generation; 221113 Nuclear Electric Power Generation.

URL for More Information: http://water.epa.gov/scitech/wastetech/guide/steam_index.cfm.

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RIN: 2040–AF14

EPA—WATER

143. Water Quality Standards Regulatory Revisions

Priority: Other Significant.

Legal Authority: 33 U.S.C. 1251 *et seq.*

CFR Citation: 40 CFR 131 (revision).

Legal Deadline: None.

Abstract: The EPA proposed changes to the water quality standards (WQS) regulation to improve its effectiveness in helping restore and maintain the Nation's Waters. The core of the current WQS regulation has been in place since 1983. Since then, a number of issues have been raised by stakeholders or identified by the EPA in the implementation process that will benefit from clarification and greater specificity. The proposed rule addresses the following six key areas: 1) Administrator's determination that new or revised WQS are necessary, 2) designated uses, 3) triennial review requirements, 4) antidegradation, 5) variances to water quality standards, and 6) compliance schedule authorizing provisions. These revisions will allow the EPA, states and authorized tribes to better achieve program goals by providing clearer more streamlined requirements to facilitate enhanced water resource protection.

Statement of Need: The core requirements of the current WQS regulation have been in place for over 30 years. These requirements have provided a strong foundation for water quality-based controls, including water quality assessments, impaired waters lists, and total maximum daily loads (TMDLs) under CWA section 303(d), as well as for water quality-based effluent limits (WQBELs) in NPDES discharge permits under CWA section 402. As with the development and operation of any program, however, a number of policy and technical issues have recurred over the past 30 years in individual standards reviews, stakeholder comments, and litigation that the EPA believes would be addressed and resolved more efficiently by clarifying, updating and revising the federal WQS regulation to assure greater public transparency, better stakeholder information, and more effective implementation.

The basic structure of the water quality standards regulation (40 CFR part 131) was last revised in November 1983. The EPA added tribal provisions in 1991, ''Alaska rule'' provisions in 2000, and BEACH Act rule provisions in 2004. At the 15-year point (July 1998), the EPA issued a comprehensive advance notice of proposed rulemaking (ANPRM) and conducted an extensive dialogue with states and the public on over 130 discrete issues. The ANPRM led to some program redirections, but EPA did not revise the regulation itself at that time. The EPA has proposed targeted changes to the WQS regulation that aim to improve the regulation's effectiveness in restoring and maintaining the chemical, physical and biological integrity of the Nation's waters, and to clarify and simplify regulatory requirements.

Summary of Legal Basis: The CWA establishes the basis for the current WQS regulation and program. Section 303(c) of the Act addresses the development of state and authorized tribal WQS and provides for the following: (1) WQS shall consist of designated uses and water quality criteria based upon such uses; (2) States and authorized tribes shall establish WQS considering the following possible uses for their waters-propagation of fish, shellfish and wildlife, recreational purposes, public water supply, agricultural and industrial water supplies, navigation, and other uses; (3) State and tribal standards must protect public health or welfare, enhance the quality of water, and serve the purposes of the Act; (4) States and tribes must review their standards at least once every 3 years; and (5) the EPA is required to review any new or revised state and tribal standards, and is also required to promulgate federal standards where the EPA finds that new or revised state or tribal standards are not consistent with applicable requirements of the Act or in situations where the Administrator determines that federal standards are necessary to meet the requirements of the Act.

The EPA established the core of the current WQS regulation in a final rule issued in 1983. This rule strengthened previous provisions that had been in place since 1977 and moved them to a new 40 CFR part 131 (54 FR 51400, November 8, 1983). The resulting regulation describes how the WQS envisioned in the CWA are to be administered. It clarifies the content of standards and establishes more detailed provisions for implementing the provisions of the Act.

Alternatives: In support of the 1983 regulation, the EPA has issued a number of guidance documents that have provided guidance on the interpretation and implementation of the WQS regulation, and on scientific and technical analyses that are used in making decisions that would impact WQS. In 1998, the EPA issued an Advance Notice of Proposed Rulemaking (ANPRM) to discuss and invite comment on over 130 aspects of the federal WQS regulation and program, with a goal of identifying specific changes that might strengthen water quality protection and restoration, facilitate watershed management initiatives, and incorporate evolving water quality criteria and assessment science into state and tribal WQS programs. (63 FR 36742, July 7, 1998). In response, the EPA received over 3,200 specific written comments from over 150 comment letters. The EPA also held three public meetings during the 180-day comment period where additional comments were received and discussed. Although the EPA chose not to move forward with a rulemaking after the ANRPM, as a result of the input received, the EPA identified a number of high priority issue areas for which the Agency has developed guidance, provided technical assistance and continued further discussion and dialogue to assure more effective program implementation. As with the development and operation of any program, however, a number of policy and technical issues have recurred over the past 30 years that the EPA believes would be addressed and resolved more efficiently by clarifying, updating and revising the Federal WQS regulation to assure greater public transparency, better stakeholder information, and more effective implementation.

Anticipated Cost and Benefits: Because this proposal will not establish any requirements directly applicable to regulated entities, the focus of the EPA's economic analysis is to estimate the potential administrative burden and costs to state, tribal, and territorial governments, and the EPA. In the proposal the EPA is considering whether to include a requirement that antidegradation implementation methods be formally adopted as WQS and thus subject to the EPA's review and approval or disapproval. This additional requirement would require affected entities to develop or revise antidegradation implementation methods, and adopt the implementation methods in WQS, resulting in one-time (nonrecurring) burden and costs. The total annual costs for this proposal with the requirement to adopt antidegradation implementation methods as WQS is estimated to range from $5.98 million to $9.27 million per year. The total annual costs for this

proposal without the requirement to adopt antidegradation implementation methods as WQS is estimated to range from $5.84 million to $9.01 million per year.

States, tribes, stakeholders, and the public will benefit from the proposed clarifications of the WQS regulations by ensuring better utilization of available WQS tools that allow states and tribes the flexibility to implement their WQS in an efficient manner while providing transparency and open public participation. Although associated with potential administrative burden and costs in some areas, this proposal has the potential to partially offset these costs by reducing regulatory uncertainty and consequently increasing overall program efficiency. Furthermore, more efficient and effective implementation of state and tribal WQS has the potential to provide a variety of economic benefits associated with cleaner water including the availability of clean, safe, and affordable drinking water, water of adequate quality for agricultural and industrial use, and water quality that supports the commercial fishing industry and higher property values. Nonmarket benefits of this proposal include the protection and improvement of public health and greater recreational opportunities. The EPA acknowledges that achievement of any benefits associated with cleaner water would involve additional control measures, and thus costs to regulated entities and non-point sources, that have not been included in the economic analyses for this proposed rule. The EPA has not attempted to quantify either the costs of such control measures that might ultimately be required as a result of this rule, or the benefits they would provide.

Risks: Reducing regulatory uncertainty has the impact of increasing overall program efficiency.

Timetable:

Action	Date	FR Cite
Notice	07/30/10	75 FR 44930
NPRM	09/04/13	78 FR 54517
NPRM Comment Period Extended.	11/27/13	78 FR 70905
NPRM Comment Period Extended End.	01/02/14	
Final Rule	05/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.

Additional Information: Docket #: EPA–HQ–OW–2010–0606.

URL for More Information: http://water.epa.gov/scitech/swguidance/standards/index.cfm.

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RIN: 2040–AF16

EPA—WATER

144. Definition of ''Waters of the United States'' Under the Clean Water Act

Priority: Other Significant.

Legal Authority: 33 U.S.C. 1251

CFR Citation: 40 CFR 110; 40 CFR 112; 40 CFR 116; 40 CFR 117; 40 CFR 122; 40 CFR 230; 40 CFR 232; 40 CFR 300; 40 CFR 302; 40 CFR 401; 33 CFR 328

Legal Deadline: None.

Abstract: After U.S. Supreme Court decisions in SWANCC and Rapanos, the scope of ''waters of the US'' protected under all CWA programs has been an issue of considerable debate and uncertainty. The Act has a single definition for ''waters of the United States.'' As a result, these decisions affect the geographic scope of all CWA programs. SWANCC and Rapanos did not invalidate the current regulatory definition of ''waters of the United States.'' However, the decisions established important considerations for how those regulations should be interpreted, and experience implementing the regulations has identified several areas that could benefit from additional clarification through rulemaking. U.S. EPA and the U.S. Army Corps of Engineers proposed a rule for determining whether a water is protected by the Clean Water Act. This rule will make clear which waterbodies are protected under the Clean Water Act.

Statement of Need: After U.S. Supreme Court decisions in SWANCC (*Solid Waste Agency of Northern Cook County* v. *U.S. Army Corps of Engineers, 531 U.S. 159* (2001)) and Rapanos (*Rapanos* v. *United States* , 547 U.S. 715 (2006)), the scope of waters of the US protected under all CWA programs has been an issue of considerable debate and uncertainty. The Act has a single definition for waters of the United States. As a result, these decisions affect the geographic scope of all CWA programs. SWANCC and Rapanos did not invalidate the current regulatory definition of waters of the United States. However, the decisions established important considerations for how those regulations should be interpreted, and experience implementing the regulations has identified several areas that could benefit from additional clarification through rulemaking. EPA and the U.S. Army Corps of Engineers are developing a proposed rule for determining whether a water is protected by the Clean Water Act. This rule would clarify which water bodies are protected under the Clean Water Act.

Summary of Legal Basis: The EPA and the U.S. Army Corps of Engineers (Corps) publish for public comment a proposed rule defining the scope of waters protected under the CWA, in light of the U.S. Supreme Court cases in U.S. v. Riverside Bayview Homes, Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC), and Rapanos v. United States (Rapanos). The goal of the agencies is to ensure the regulatory definition is consistent with the CWA, as interpreted by the Supreme Court, and as supported by science, and to provide maximum clarity to the public, as the agencies work to fulfill the CWA's objectives and policy to protect water quality, public health, and the environment.

Alternatives: The agencies solicited comment on a number of issues throughout the proposed rule preamble. In particular, the agencies requested comment on alternate approaches to determining whether ''other waters'' are similarly situated and have a ''significant nexus'' to a traditional navigable water, interstate water, or the territorial seas. Just as the agencies are seeking comment on a variety of approaches, or combination of approaches, as to which waters are jurisdictional, the agencies also request comment on determining which waters should be determined non-jurisdictional. In addition, the agencies are seeking comment on alternate approaches to define ''neighboring.''

Anticipated Cost and Benefits: The EPA and the Corps of Engineers prepared an analysis of the potential costs and benefits associated with this action. The definition of ''waters of the U.S.,'' by itself, imposes no direct costs. The potential costs and benefits incurred as a result of this proposed action are considered indirect because the action involves a definitional change to a term that is used in the

implementation of a variety of CWA programs. Each of these programs may subsequently impose direct or indirect costs as a result of implementation of their specific regulations. The proposed rule would provide an estimated $388 million to $514 million annually of benefits to the public, including reducing flooding, filtering pollution, providing wildlife habitat, supporting hunting and fishing, and recharging groundwater. The public benefits outweigh the costs of about $162 million to $278 million per year for mitigating impacts to streams and wetlands, and taking steps to reduce pollution to waterways.

Risks: This proposal would enhance protection for the nation's public health and aquatic resources, and increase CWA program predictability and consistency by increasing clarity as to the scope of ''waters of the United States'' protected under the Act.

Timetable:

Action	Date	FR Cite
NPRM	04/21/14	79 FR 22187
NPRM Comment Period Extended.	06/24/14	79 FR 35712
NPRM Comment Period End.	07/21/14	
NPRM Comment Period Extended End.	10/21/14	
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: http://water.epa.gov/lawsregs/guidance/wetlands/CWAwaters.cfm.

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RIN: 2040–AF30

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Statement of Regulatory and Deregulatory Priorities

The mission of the Equal Employment Opportunity Commission (EEOC, Commission, or Agency) is to ensure equality of opportunity in employment by vigorously enforcing and educating the public about the following Federal statutes: Title VII of the Civil Rights Act of 1964, as amended (prohibits employment discrimination on the basis of race, color, sex (including pregnancy), religion, or national origin); the Equal Pay Act of 1963, as amended (makes it illegal to pay unequal wages to men and women performing substantially equal work under similar working conditions at the same establishment); the Age Discrimination in Employment Act of 1967, as amended (prohibits employment discrimination based on age of 40 or older); Titles I and V of the Americans with Disabilities Act, as amended, and sections 501 and 505 of the Rehabilitation Act, as amended (prohibit employment discrimination based on disability); Title II of the Genetic Information Nondiscrimination Act (prohibits employment discrimination based on genetic information and limits acquisition and disclosure of genetic information); and section 304 of the Government Employee Rights Act of 1991 (protects certain previously exempt state & local government employees from employment discrimination on the basis of race, color, religion, sex, national origin, age, or disability).

The first item in this Regulatory Plan is entitled ''The Federal Sector's Obligation To Be a Model Employer of Individuals with Disabilities.'' The EEOC's regulations implementing section 501, as set forth in 29 CFR part 1614, require Federal agencies and departments to be ''model employers'' of individuals with disabilities. The Commission issued an Advanced Notice of Proposed Rulemaking (ANPRM) on May 15, 2014, (79 FR 27824), and intends to issue a proposed rule to revise the regulations regarding the Federal government's affirmative employment obligations in 29 CFR part 1614 to include a more detailed explanation of how Federal agencies and departments should ''give full consideration to the hiring, placement, and advancement of qualified individuals with disabilities.'' Any revisions would be informed by Management Directive 715, and may include goals consistent with Executive Order 13548. Furthermore, any revisions would result in costs only to the Federal Government; would contribute to increasing the employment of individuals with disabilities; and would not affect risks to public health, safety, or the environment.

The second item is entitled ''Federal Sector Equal Employment Opportunity Process.'' In July 2012, the Commission published a final rule containing fifteen discrete changes to various parts of the Federal sector EEO process, and indicated that the rule was the Commission's initial step in a broader review of the Federal sector EEO process. The Commission intends to develop an ANPRM which would seek public input on additional issues associated with the Federal sector EEO process.

The third item is entitled ''Amendments to Regulations Under the Americans With Disabilities Act.'' This proposed rule would amend the regulations to implement the equal employment provisions of the Americans with Disabilities Act (ADA) to address the interaction between title I of the ADA and financial inducements and/or penalties as part of wellness programs offered through health plans. EEOC also plans to address other aspects of wellness programs that may be subject to the ADA's nondiscrimination provisions in this NPRM.

The fourth item is entitled ''Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008.'' This proposed rule would amend the regulations on the Genetic Information Nondiscrimination Act of 2008 to address inducements to employees' spouses or other family members who respond to questions about their current or past medical conditions on health risk assessments. This NPRM will also correct a typographical error in the rule's discussion of wellness programs and add references to the Affordable Care Act, where appropriate.

Consistent with section 4(c) of Executive Order 12866, this statement was reviewed and approved by the Chair of the Agency. The statement has not been reviewed or approved by the other members of the Commission.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the EEOC's final retrospective review of regulations plan. Some of the entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov (*http://reginfo.gov/*) in the Completed Actions section. These rulemakings can also be found on Regulations.gov (*http://regulations.gov*).

The EEOC's final Plan for Retrospective Analysis of Existing Rules can be found at: *http://www.eeoc.gov/laws/regulations/retro_review_plan_final.cfm.*

RIN	Title	Effect on small business
3046–AA91	REVISIONS TO PROCEDURES FOR COMPLAINTS OR CHARGES OF EMPLOYMENT DISCRIMINATION BASED ON DISABILITY SUBJECT TO THE AMERICANS WITH DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT OF 1973.	This rulemaking may decrease burdens on small businesses by making the charge/complaint process more efficient.
3046–AA92	REVISIONS TO PROCEDURES FOR COMPLAINTS/CHARGES OF EMPLOYMENT DISCRIMINATION BASED ON DISABILITY FILED AGAINST EMPLOYERS HOLDING GOVERNMENT CONTRACTS OR SUBCONTRACTS.	This rulemaking may decrease burdens on small businesses by making the charge/complaint process more efficient.
3046–AA93	REVISIONS TO PROCEDURES FOR COMPLAINTS OF EMPLOYMENT DISCRIMINATION FILED AGAINST RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE.	This rulemaking may decrease burdens on small businesses by making the charge/complaint process more efficient.
3046–AB00	FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY.	This rulemaking pertains to the Federal Sector equal employment opportunity process and thus is not expected to affect small businesses.

EEOC

Prerule Stage

145. Federal Sector Equal Employment Opportunity Process

Priority: Other Significant.

Legal Authority: 29 U.S.C. 206(d); 29 U.S.C. 633a; 29 U.S.C. 791; 29 U.S.C. 794; 42 U.S.C. 2000e–16; EO 10577; EO 11222; EO 11478; EO 12106; Reorganization Plan No. 1 of 1978; 42 U.S.C. 2000ff–6(e)

CFR Citation: 29 CFR 1614.

Legal Deadline: None.

Abstract: In July 2012, the Commission published a final rule containing 15 discrete changes to various parts of the Federal sector EEO complaint process, and indicated that the rule was the Commission's initial step in a broader review of the Federal sector EEO process. The Commission intends to develop an Advance Notice of Proposed Rulemaking (ANPRM), which would seek public input on additional issues associated with the Federal sector EEO process.

Statement of Need: Any proposals contained in an ANPRM would be aimed at making the process more fair and efficient.

Summary of Legal Basis: Title VII of the Civil Rights Act of 1964 authorizes EEOC ''to issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under . . . section [717].'' 42 U.S.C. 2000e–16(b).

Alternatives: The EEOC would consider all alternatives offered by public commenters.

Anticipated Cost and Benefits: Based on the information currently available, we anticipate that most of the changes will have no cost and will benefit users of the process by correcting or clarifying the requirements. Any cost that might result would only be borne by the Federal Government.

Risks: Any proposed revisions would not affect risks to the public health, safety, or the environment

Timetable:

Action	Date	FR Cite
ANPRM	03/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

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RIN: 3046–AB00

EEOC

Proposed Rule Stage

146. The Federal Sector's Obligation To Be a Model Employer of Individuals With Disabilities

Priority: Other Significant.

Legal Authority: 29 U.S.C. 791(b)

CFR Citation: 29 CFR 1614.203(a).

Legal Deadline: None.

Abstract: Section 501 of the Rehabilitation Act, as amended (Section 501), prohibits discrimination against individuals with disabilities in the Federal Government. The EEOC's regulations implementing section 501, as set forth in 29 CFR part 1614, require Federal agencies and departments to be ''model employers'' of individuals with disabilities.[1]

On May 15, 2014, the Commission issued an Advance Notice of Proposed Rulemaking (79 FR 27824) that sought public comments on whether and how the existing regulations could be improved to provide more detail on what being a ''model employer'' means and how Federal agencies and departments should ''give full consideration to the hiring, placement and advancement of qualified individuals with disabilities.'' [2] The EEOC's review of the comments and potential revisions was informed by the discussion in Management Directive 715 of the tools Federal agencies should use to establish goals for the employment and advancement of individuals with disabilities. The EEOC's review of the comments and potential revisions was also informed by, and consistent with, the goals of Executive Order 13548 to increase the employment of individuals with disabilities and the employment of individuals with targeted disabilities.

Statement of Need: Pursuant to section 501 of the Rehabilitation Act, the Commission is authorized to issue such regulations as it deems necessary to carry out its responsibilities under this Act. Executive Order 13548 called for increased efforts by Federal agencies and departments to recruit, hire, retain, and return individuals with disabilities to the Federal workforce.

Summary of Legal Basis:

[1] 29 CFR 1614.203(a).

[2] Id.

Section 501 of the Rehabilitation Act of 1973, as amended (section 501), 29 U.S.C. 791, in addition to requiring nondiscrimination with respect to Federal employees and applicants for Federal employment who are individuals with disabilities, also requires Federal agencies to maintain, update annually, and submit to the Commission an affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities. As part of its responsibility for the administration and enforcement of equal opportunity in Federal employment, the Commission is authorized under 29 U.S.C. 794a(a)(1) to issue rules, regulations, orders, and instructions pursuant to section 501.

Alternatives: The EEOC considered all alternatives offered by ANPRM public commenters. The EEOC will consider all alternatives offered by future public commenters.

Anticipated Cost and Benefits: Any costs that might result would only be borne by the Federal Government. The revisions would contribute to increased employment of individuals with disabilities.

Risks: The proposed changes do not affect risks to public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/14	79 FR 27824
ANPRM Comment Period End.	07/14/14	
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

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Related RIN: Related to 3046–AA73

RIN: 3046–AA94

EEOC

147. Amendments to Regulations Under the Americans With Disabilities Act

Priority: Other Significant.

Legal Authority: 42 U.S.C. 12101 *et seq.*

CFR Citation: 29 CFR 1630.

Legal Deadline: None.

Abstract: This proposed rule would amend the regulations to implement the equal employment provisions of the Americans with Disabilities Act (ADA) to address the interaction between title I of the ADA and financial inducements and/or penalties as part of wellness programs offered through health plans. EEOC also plans to address other aspects of wellness programs that may be subject to the ADA's nondiscrimination provisions in this NPRM.

Statement of Need: The revision to 29 CFR 1630.14(d) is needed to address numerous inquiries EEOC has received about whether an employer that complies with regulations implementing the final Health Insurance Portability and Accountability Act (HIPAA) rules concerning wellness program incentives, as amended by the Affordable Care Act (ACA), will be in compliance with the ADA.

Summary of Legal Basis: The ADA requires the EEOC to issue regulations implementing title I of the Act. The EEOC initially issued regulations in 1991 on the law's requirements and prohibited practices with respect to employment and issued amended regulations in 2011 to conform to changes to the ADA made by the ADA Amendments Act of 2008. These proposed revisions are based on that statutory requirement.

Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and Benefits: Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title I of the ADA by generally promoting consistency between the ADA and HIPAA, as amended by the ACA, and result in greater predictability and ease of administration.

Risks: The proposed rule imposes no new or additional risks to employers. The proposal does not address risks to public safety or the environment.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

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RIN: 3046–AB01

EEOC

148. Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008

Priority: Other Significant.

Legal Authority: 42 U.S.C. 2000ff

CFR Citation: 29 CFR 1635.

Legal Deadline: None.

Abstract: This proposed rule would amend the regulations on the Genetic Information Nondiscrimination Act of 2008 to address inducements to employees' spouses or other family members who respond to questions about their current or past medical conditions on health risk assessments. This NPRM will also correct a typographical error in the rule's discussion of wellness programs and add references to the Affordable Care Act, where appropriate.

Statement of Need: The revision to 29 CFR 1635.8 is needed to address numerous inquiries received by EEOC about whether an employer will violate the Genetic Information Nondiscrimination Act of 2008 by offering an employee a financial inducement if the employee's family member completes an HRA that asks about the family member's current health status. Technical amendments are also needed to correct a typographical error and to include references to the ACA, where appropriate.

Summary of Legal Basis: GINA, section 211, 42 U.S.C. 2000ff–10,

requires the EEOC to issue regulations implementing title II of the Act. The EEOC issued regulations on November 9, 2010. These proposed revisions are based on that statutory requirement.

Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and Benefits: Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title II of GINA by clarifying that employers who offer wellness programs are free to adopt a certain type of inducement without violating GINA, as well as correcting an internal citation, and providing citations to the ACA.

Risks: The proposed rule imposes no new or additional risks to employers. The proposal does not address risks to public safety or the environment.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

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RIN: 3046–AB02

BILLING CODE 6570–01–P

GENERAL SERVICES ADMINISTRATION (GSA)—REGULATORY PLAN—OCTOBER 2014

I. Mission and Overview

GSA oversees the business of the Federal Government. The acquisition solutions GSA implements provides Federal purchasers with cost-effective, high-quality products and services from commercial vendors, while helping to keep the Nation safe by providing tools, equipment, and non-tactical vehicles to the U.S. military, and providing State and local governments with law enforcement equipment, firefighting and rescue equipment, and disaster recovery products and services. We provide workplaces for Federal employees and oversee the preservation of historic Federal properties.

Our Agency serves the public by delivering services directly to its Federal customers through the Federal Acquisition Service (FAS), the Public Buildings Service (PBS), and the Office of Government-wide Policy (OGP). With a continuing commitment to its Federal customers and the U.S. taxpayers, GSA provides its services in the most cost-effective manner possible.

Federal Acquisition Service (FAS)

FAS is the lead organization for procurement of products and services (other than real property) for the Federal Government. The FAS organization leverages the buying power of the Government by consolidating Federal agencies' requirements for common goods and services. FAS provides a range of high-quality and flexible acquisition services that increase overall Government effectiveness and efficiency. FAS business operations are organized into four business portfolios based on the product or service provided to customer agencies: Integrated Technology Services (ITS); Assisted Acquisition Services (AAS); General Supplies and Services (GSS); and Travel, Motor Vehicles, and Card Services (TMVCS). The FAS portfolio structure enables GSA and FAS to provide best value services, products, and solutions to its customers by aligning resources around key functions.

Public Buildings Service (PBS)

PBS is the largest public real estate organization in the United States, providing facilities and workspace solutions to more than 60 Federal agencies. PBS aims to provide a superior workplace for the Federal worker and superior value for the U.S. taxpayer. Balancing these two objectives is PBS' greatest management challenge. PBS' activities fall into two broad areas. The first is space acquisition through both leases and construction. PBS translates general needs into specific requirements, marshals the necessary resources, and delivers the space necessary to meet the respective missions of its Federal clients. The second area is management of space. This involves making decisions on maintenance, servicing tenants, and ultimately, deciding when and how to dispose of a property at the end of its useful life.

Office of Government-Wide Policy (OGP)

OGP sets Government-wide policy in the areas of personal and real property, travel and transportation, information technology, regulatory information, and use of Federal advisory committees. OGP also helps direct how all Federal supplies and services are acquired as well as GSA's own acquisition programs. OGP's regulatory function fully incorporates the provisions of the President's priorities and objectives under Executive Order 12866 and 13563 with policies covering acquisition, travel, and property and management practices to promote efficient Government operations. OGP's strategic direction is to ensure that Government-wide policies encourage agencies to develop and utilize the best, most cost effective management practices for the conduct of their specific programs. To reach the goal of improving Government-wide management of property, technology, and administrative services, OGP builds and maintains a policy framework by (1) incorporating the requirements of Federal laws, Executive orders, and other regulatory material into policies and guidelines; (2) facilitating Government-wide reform to provide Federal managers with business-like incentives and tools and flexibility to prudently manage their assets; (3) identifying, evaluating, and promoting best practices to improve efficiency of management processes; and (4) performing ongoing analysis of existing rules that may be obsolete, unnecessary, unjustified, excessively burdensome, or counterproductive.

OGP's policy regulations are described in the following subsections:

Office of Asset and Transportation Management (Federal Travel Regulation)

Federal Travel Regulation (FTR) enumerates the travel and relocation policy for all title 5 Executive agency employees. The Code of Federal Regulations (CFR) is available at *www.gpoaccess.gov/cfr*. Each version is updated as official changes are published in the **Federal Register** (FR). FR publications and complete versions of the FTR are available at *www.gsa.gov/ftr*.

The FTR is the regulation contained in 41 Code of Federal Regulations (CFR), chapters 300 through 304, that implements statutory requirements and

executive branch policies for travel by Federal civilian employees and others authorized to travel at Government expense.

The Administrator of General Services promulgates the FTR to: (a) Interpret statutory and other policy requirements in a manner that balances the need to ensure that official travel is conducted in a responsible manner with the need to minimize administrative costs and (b) communicate the resulting policies in a clear manner to Federal agencies and employees.

Office of Asset and Transportation Management (Federal Management Regulation)

Federal Management Regulation (FMR) establishes policy for aircraft, transportation, personal property, real property, and mail management. The FMR is the successor regulation to the Federal Property Management Regulation (FPMR), and it contains updated regulatory policies originally found in the FPMR. However, it does not contain FPMR material that describes how to do business with the GSA.

Office of Acquisition Policy (General Services Administration Acquisition Manual (GSAM) and the General Services Administration Acquisition Regulation (GSAR))

GSA's internal rules and practices on how it buys goods and services from its business partners are covered by the General Services Administration Acquisition Manual (GSAM), which implements and supplement the Federal Acquisition Regulation at GSA. The GSAM comprises both a non-regulatory portion (GSAM), which reflects policies with no external impact, and a regulatory portion, the General Services Administration Acquisition Regulation (GSAR). The GSAR establishes agency acquisition regulations that affect GSA's business partners (*e.g.* prospective offerors and contractors) and acquisition of leasehold interests in real property. The latter are established under the authority of 40 U.S.C. 490. The GSAR implements contract clauses, solicitation provisions, and forms that control the relationship between GSA and contractors and prospective contractors.

II. Statement of Regulatory and Deregulatory Priorities

FTR Regulatory Priorities

In fiscal year 2014, GSA plans to amend the FTR by:

- Revising Chapter 301, Temporary Duty Travel, ensuring accountability and transparency. This revision will ensure agencies' travel for missions is efficient and effective, reduces costs, promotes sustainability, and incorporates industry best practices at the lowest logical travel cost.
- Revising Chapter 302, Relocation Allowances for miscellaneous items to address current Government relocation needs which the last major rewrite (FTR Amendment 2011–01) did not update. This will include revising the Relocation Income Tax (RIT) Allowance; amending coverage on family relocation; and amending the calculations regarding the commuted rate for employee-managed household goods shipments.

FMR Regulatory Priorities

In fiscal year 2014, GSA plans to amend the FMR by:

- Revising rules regarding management of Government aircraft;
- Revising rules regarding management of Federal real property;
- Revising rules regarding management of Federal personal property.

GSAR Regulatory Priorities

GSA plans, to update the GSAR to maintain consistency with the Federal Acquisition Regulation (FAR) and to implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can utilize when entering into and administering contractual relationships. Currently, GSA is focusing on clarifying the GSAR by—

- Providing consistency with the FAR;
- Eliminating coverage that duplicates the FAR or creates inconsistencies within the GSAR;
- Correcting inappropriate references listed to indicate the basis for the regulation;
- Rewriting sections that have become irrelevant because of changes in technology or business processes or that place unnecessary administrative burdens on contractors and the Government;
- Streamlining or simplifying the regulation;
- Rolling up coverage from the services and regions/zones that should be in the GSAR;
- Providing new and/or augmented coverage; and
- Deleting unnecessary burdens on small businesses.

Regulations of Concern to Small Businesses

FAR and GSAR rules are relevant to small businesses who do or wish to do business with the Federal Government. Approximately 18,000 businesses, most of whom are small, have GSA schedule contracts. GSA assists its small businesses by providing assistance through its Office of Small Business Utilization. In addition, GSA extensively utilizes its regional resources, within FAS and PBS, to provide grassroots outreach to small business concerns, through hosting such outreach events, or participating in a vast array of other similar presentations hosted by others.

Regulations Which Promote Open Government and Disclosure

RIN 3090–AJ30; Federal Management Regulation (FMR); FMR Case 2012–102–4, Disposal and Reporting of Federal Electronic Assets (FEA):

The GSA is considering comments received during the publication of the Proposed Rule FMR 102–36 in developing its Final Rule. As envisioned, this policy directs agencies to dispose of non-functional electronics through more sustainable means, and will require publication of agency disposal data on *www.data.gov* for public viewing into Federal activities.

III. Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (July, 2013), the GSA retrospective review and analysis final and updated regulations plan can be found at *www.gsa.gov/improvingregulations*. The FAR retrospective review and analysis final and updated regulations plan can be found at *www.acquisition.gov*.

Regulation Identifier No.	Title
	Proposed Rule Stage
3090–AI76	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2008–G506, Rewrite of GSAR Part 515, Contracting by Negotiation.

Regulation Identifier No.	Title
3090–AI81	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2008–G509, Rewrite GSAR 536, Construction and Architect-Engineer Contracts.
3090–AI82	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2006–G506, Environment, Conservation, Occupational Safety, and Drug-Free Workplace.
3090–AJ29	Federal Management Regulation (FMR); FMR Case 2012–102–3; Government Domain Registration and Management.
3090–AJ41	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes).
	Final Rule Stage
3090–AI79	Federal Management Regulation (FMR); FMR Case 2008–102–4, Mail Management, Financial Requirements for All Agencies.
3090–AI95	Federal Travel Regulation (FTR); FTR Case 2009–307, Temporary Duty (TDY) Travel Allowances (Taxes); Relocation Allowances (Taxes).
3090–AJ23	Federal Travel Regulation (FTR); FTR Case 2011–310; Telework Travel Expenses Test Programs.
3090–AJ26	Federal Management Regulation (FMR); FMR Case 2012–102–2; Donation of Surplus Personal Property.
3090–AJ27	Federal Travel Regulation (FTR); FTR Case 2012–301; Removal of Conference Lodging Allowance Provisions.
3090–AJ30	Federal Management Regulation (FMR); FMR Case 2012–102–4, Disposal and Reporting of Federal Electronic Assets (FEA).
3090–AJ34	Federal Management Regulation (FMR); FMR Case 2012–102–5, Restrictions on International Transportation of Freight and Household Goods.
3090–AJ46	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G501; Qualifications of Offerors.
3090–AJ47	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2014–G501; Progressive Awards and Monthly Quantity Allocations.
	Completed Actions
3090–AJ06	Federal Travel Regulation (FTR); FTR Case 2010–303; Terms and Definitions for ''Dependent,'' ''Domestic Partner,'' ''Domestic Partnership,'' and ''Immediate Family.''
3090–AJ11	Federal Travel Regulation (FTR); FTR Case 2011–301; Per Diem, Miscellaneous Amendments.
3090–AJ21	Federal Travel Regulation (FTR); FTR Case 2011–308; Payment of Expenses Connected with the Death of Certain Employees.
3090–AJ22	Federal Travel Regulation (FTR); FTR Case 2011–309, Lodging Reimbursement.
3090–AJ31	General Service Administration Acquisition Regulation (GSAR); GSAR Case 2012–G503, Industrial Funding Fee (IFF) and Sales Reporting.
3090–AJ35	Federal Management Regulation (FMR); FMR Case 2013–102–1; Obligating Authority.
3090–AJ36	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2012–G501, Electronic Contracting Initiative.
3090–AJ42	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2010–G511, Purchasing by Non-Federal Entities.

Dated: September 23, 2014.

Christine Harada,

Associate Administrator, Office of Government-wide Policy.

BILLING CODE 6820–34–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Statement of Regulatory Priorities

For this statement of priorities, NASA has no recent legislative and programmatic activities that affect its regulations. There are no rulemakings that are expected to have high net benefits. All of the Agency's rulemaking promotes open government as the public is given an opportunity to review and comment on these rulemakings prior to promulgation. The Agency has no rulemakings that reduce unjustified burdens with no particular concern to small businesses, and there are no significant international impacts.

NASA continues to implement programs according to its 2014 Strategic Plan. NASA's mission is to ''Drive advances in science, technology, aeronautics, and space exploration to enhance knowledge, education, innovation, economic vitality, and stewardship of the Earth.'' The FY 2014 Strategic Plan, (available at *http://www.nasa.gov/sites/default/files/files/2014_NASA_Strategic_Plan.pdf*), guides NASA's program activities through a framework of the following three strategic goals:

- Strategic Goal 1: Expand the frontiers of knowledge, capability, and opportunity in space.
- Strategic Goal 2: Advance understanding of Earth and develop technologies to improve the quality of life on our home planet.
- Strategic Goal 3: Serve the American public and accomplish our mission by effectively managing our people, technical capabilities, and infrastructure.

In the decades since Congress enacted the National Aeronautics and Space Act of 1958, NASA has challenged its scientific and engineering capabilities in pursuing its mission, generating tremendous results and benefits for humankind. NASA will continue to push scientific and technical boundaries in pursuit of these goals.

The Federal Acquisition Regulation (FAR), 48 CFR chapter 1, contains procurement regulations that apply to NASA and other Federal agencies. NASA implements and supplements FAR requirements through the NASA FAR Supplement (NFS), 48 CFR chapter 18. NASA is in the process of reviewing and updating the entire NFS with a projected completion date of December 2015. Concurrently, NASA will continue to make routine changes to the NFS to implement NASA initiatives and Federal procurement policy.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13579 ''Regulation and Independent Regulatory Agencies'' (Jul. 11, 2011), NASA regulations associated with its retrospective review and analysis are described in the Agency's final retrospective plan of existing regulations. Nineteen of these regulations were completed and are described below. NASA's final plan and

updates can be found at *http://www.nasa.gov/open*, under the Compliance Documents Section.

Rulemaking That Was Streamlined and Reduced Unjustified Burdens

1. Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration [5 CFR 6901]—NASA, with the concurrence of the Office of Government Ethics, amended its Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration that permits student interns to seek prior approval to engage in outside employees with a NASA Contractor, subcontractor, grantee, or party to a NASA agreement in connect with work performed by that entity or under that agreement. The amendments clarified the types of outside employment activities that require approval, streamlined the process for approval, eliminated obsolete position titles, and extended the permissible time period of approval. The revision to NASA's supplemental outside activity regulation liberalizes a general restriction prohibiting NASA employees from outside jobs performing work under NASA's contracts, grants and other agreements to allow student interns to do so if the work complies with Federal ethics laws and U.S. Office of Government Ethics regulations. This modification helps insure that students in STEM (science, technology, engineering, and math) disciplines have full access to NASA development opportunities to maintain U.S. leadership in these fields. The revision also narrows the scope of employee-owned businesses that NASA personnel must obtain prior agency approval to undertake to those that will perform or seek to perform Federal government-related work. This change enhances workforce development by reducing burdens associated with pursuing outside activities that may help NASA employees develop new skills. Finally, the revision decentralizes and streamlines the approval process [79 FR 49225].

Rulemakings That Were Modified, Streamlined, Expanded, or Repealed

2. Removal of Obsolete Regulations: Space Flight Mission Critical Systems Personnel Reliability Program [14 CFR 1204]—NASA amended is regulations to make nonsubstantive changes by removing a regulation that was obsolete and no longer used [79 FR 7391].

3. Removal of Redundant Regulatory Text [14 CFR parts 1204, 1230, and 1232]—NASA amended its regulations to make nonsubstantive changes by removing redundant regulatory language that is already captured in statutes that govern NASA activities related to delegation of authority of certain civil rights functions, protection of human subjects, and care and use of animals in the conduct of NASA activities [78 FR 76057].

4. Removal of Obsolete Regulation: Use of Centennial of Flight Commission Name [14 CFR 1204.506]—NASA amended its regulations to make nonsubstantive changes to remove a regulation that is obsolete and no longer used [77 FR 60619].

Rulemaking That Promotes Open Government and Uses Disclosure as a Regulatory Tool

5. Procedures for Disclosure of Records Freedom of Information Act Regulations [14 CFR 1206]—NASA revised its Freedom of Information Act (FOIA) regulations to clarify and update procedures for requesting information from the Agency, as well as procedures that the Agency follows in responding to requests from the public. These revisions also incorporate clarifications and update results from changes to the FOIA and case law, as well as include current cost figures to be used in calculating and charging fees and increase the amount of information that members of the public may receive from the Agency without being charged processing fees. This rule is a 'how to' guide for submitting requests for Agency records, if these records are not currently on a public-facing Web site. The rule, which comports with the law, is an information access tool for disclosure of Agency records. Providing access details to the public through the FOIA rule is an effective means to promote open government and ensure the public has the knowledge of how to submit a request for Agency documents and what to expect once that request is received by the Agency [79 FR 46676].

Rulemakings That Are of Particular Concerns to Small Business

6. Small Business Policy [14 CFR 1204]—NASA amended its regulations to make nonsubstantive changes to update offices names and titles, described the role of the Small Business Technical Advisor, add more small business categories to include small disadvantaged business HUBZone small business, women-owned small business concerns, veteran-owned small business, and service-and disabled veteran-owned small business in accordance with and required by the Small Business Act (15 U.S.C. 631). NASA certifies that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601), because it would not have a significant economic impact on a substantial number of small businesses [78 FR 77352].

7. Nonprocurement Rule, Suspension, and Debarment [2 CFR 1880]—NASA has adopted as final, with no change, a proposed rule to extend coverage of non-procurement suspension and debarment to all tiers of procurement and non-procurement actions under all grants and cooperative agreements. NASA certifies that this rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Small entities are already required to check the Excluded Parties List System (EPLS) prior to making first-tier, procurement subawards under a grant or cooperative agreement. They will now be required to ensure that none of their potential subrecipients are on the EPLS. The EPLS is an easy-to-access and easy to-use on-line resources [78 FR 13211].

Rulemaking That Has Significant International Impacts

8. Tracking and Data Relay Satellite System [14 CFR 1215]—NASA amended its regulations to make nonsubstantive changes to the policy governing the Tracking and Data Relay Satellite System (TDRSS) services provided to non-U.S. Government users and the reimbursement for rendering such services. TDRSS, also known as the Space Network, provides command, tracking, data, voice, and video services to the International Space Station, NASA's space and Earth science missions, and other Federal agencies, including the Department of Defense and the National Science Foundation. For a fee, commercial users can also have access to TDRSS for tracking and data acquisition purposes. Over the last 25 years, TDRSS has delivered pictures, television, scientific, and voice data to the scientific community and the general public, including data from more than 100 Space Shuttle and International Space Station missions and the Hubble Space Telescope. A principal advantage of TDRSS is providing communications services, which previously have been provided by multiple worldwide ground stations, with much higher data rates and lower latency to the user missions. The rule is designed for NASA to sell unused TDRSS time to non-U.S. Government customers. The main class of current users of this rule is expendable launch vehicle providers. The United Launch Alliance (Atlas and Delta rockets), SpaceX (Falcon rocket), and Sea Launch

(rocket) all use TDRSS to support their launch operations. The TDRSS allows them to receive data from their launch vehicles through most of the critical aspects of flight (mark events such as pre-launch testing, ignition, stage separations, engine start and stop, etc.). This service could be useful to international customers such as Arianespace (for their Vega or Ariane 5 launches out of French Guiana) or JAXA (for their H–IIA rocket), which has used TDRSS in the past. They would have to have TDRSS compatible transmitters on their vehicles in order to use the service. Low earth orbit (LEO) international customers not associated with NASA by international agreement would find it difficult to book unused TDRSS time, due to limited capacity on the system. ELVs are one-time, short duration events and much more likely to fit into the TDRSS schedule than a multiyear mission requiring many contacts per day [77 FR 6949].

Other Rulemakings

9. NASA Protective Services Enforcement [14 CFR 1204]—NASA amended is regulations by adding a subpart to establish traffic enforcement authority and procedures at all NASA Centers and component facilities [79 FR 54902].

10. Aeronautics and Space—Statement of Organization and General Information [14 CFR 1201]—NASA amended its regulations to make nonsubstantive changes to provide current information of NASA's organization and to redesignate the Dryden Flight Research Center as the Armstrong Flight Research Center per H.R. 667 signed by the President on January 3, 2014 [79 FR 18443].

11. Delegation and Designations [14 CFR 1204]—NASA amended its regulations to make nonsubstantive changes to correct citations and title throughout [79 FR 11318].

12. Inventions and Contributions [14 CFR 1240] NASA amended its regulations to clarify and update the procedures for board recommended awards and the procedures and requirements for recommended special initial awards, including patent application awards, software release awards, and Tech Brief awards, and to update citations and the information on the systems used for reporting inventions and issuing award payments [77 FR 27365].

13. Information Security Protection [14 CFR 1203]—NASA amended its regulations to make nonsubstantive changes to align with and implement the provisions of Executive Order (E.O.) 13526, Classified National Security Information, and appropriately to correspond with NASA's internal requirements, NPR 1600.2, Classified National Security Information, that establishes the Agency's requirements for the proper implementation and management of a uniform system for classifying, accounting, safeguarding, and declassifying national security information generated by or in the possession of NASA [78 FR 5116].

14. Claims for Patent and Copyright Infringement [14 CFR 1245]—NASA finalized its regulations relating to requirements for the filing of claims against NASA where a potential claimant believes NASA is infringing privately owned rights in patented inventions or copyrighted works. The requirements for filing an administrative claim are important since the filing of a claim carries with it certain rights relating to the applicable statute of limitations for filing suit against the Government. The regulations set forth guidelines as to what NASA considers necessary to file a claim for patent or copyright infringement, and they also provide for written notification to the claimant upon completion of an investigation by NASA [77 FR 14686].

15. Procedures for Implementing the National Environmental Policy Act [14 CFR 1216]—NASA amended its regulations governing compliance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality's (CEQ) Code of Federal Regulations (CFR) (40 CFR parts 1500–1508). This rule replaces procedures contained in NASA's current regulations. The revised regulations are intended to improve NASA's efficiency in implementing NEPA requirements by reducing costs and preparation time while maintaining quality. In addition, NASA's experience in applying the NASA NEPA regulations since they were issued in 1988 suggested the need for NASA to make changes in its NEPA regulations. [77 FR 3102]

16. Boards and Committees [14 CFR 1209]—NASA amended its regulations to make nonsubstantive changes to correct and remove citations referenced in NASA's Contract Adjustment Board rule [78 FR 20422].

17. Research Misconduct [14 CFR 1275]—NASA amended its regulations to make nonsubstantive changes to the policy governing the handling of allegations of research misconduct and updates to reflect organizational changes that have occurred in the Agency [77 FR 44439].

18. Updating of Existing Privacy Act—NASA Regulations [14 CFR 1212]—NASA amended its regulations to make nonsubstantive changes to its rules governing implementation of the Privacy Act by updating statute citations, position titles, terminology, and adjusting appellate responsibility for records for records held by the NASA Office of the Inspective General [77 FR 60620].

19. NASA Security and Protective Service Enforcement [14 CFR 1203a, 1203b, 1204]—NASA amended its regulations to make nonsubstantive changes to its regulations to clarify the procedures for establishing controlled/secure areas and to revise the definitions for these areas and the process for granting access to these areas, as well as denying or revoking access to such areas. Arrest powers and authority of NASA security force personnel are also updated and clarified to include the carrying of weapons and the use of such weapons should a circumstance require it [78 FR 5122].

Abstracts for other regulations that will be amended or repealed between October 2014 and October 2015 are reported in the fall 2014 edition of Unified Agenda of Federal Regulatory and Deregulation actions.

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Statement of Regulatory Priorities

Overview

The National Archives and Records Administration (NARA) primarily issues regulations directed to other Federal agencies and to the public. These regulations include records management, information services, access to and use of NARA holdings, and grant programs. For example, records management regulations directed to Federal agencies concern the proper management and disposition of Federal records. Through the Information Security Oversight Office (ISOO), NARA also issues Government-wide regulations concerning information security classification and declassification programs. NARA regulations directed to the public address access to and use of our historically valuable holdings, including archives, donated historical materials, Nixon Presidential materials, and Presidential records. NARA also issues regulations relating to the National Historical Publications and Records Commission (NHPRC) grant programs.

NARA has two regulatory priorities for Fiscal Year 2015, which are included in The Regulatory Plan. The first are NARA's continuing revisions to the

Federal records management regulations found at 36 CFR chapter XII, subchapter B. The proposed changes include changes resulting from the 2011 Presidential Memorandum on Managing Government Records and the 2012 Managing Government Records Directive (M–12–18). The proposed rules will affect Federal agencies' records management programs relating to proper records creation and maintenance, adequate documentation, electronic recordkeeping requirements, use of the Electronic Records Archive (ERA) for records transfer, and records disposition. The proposed revisions have begun with changes to provisions at 36 CFR parts 1222, 1223, 1224, 1227, 1229, 1232, 1233, 1235, 1237, and 1239. These provisions were substantially revamped and began undergoing public comment beginning in September 2014. Additional proposed revisions to the subchapter will be published for public comment later this fiscal year as well.

The second priority is a new regulation on Controlled Unclassified Information (CUI). The Information Security Oversight Office (ISOO), a component of NARA, is proposing this rule pursuant to Executive Order 13556. The Order establishes an open and uniform program for managing information requiring safeguarding or dissemination controls. This rule sets forth guidance to agencies on safeguarding, disseminating, marking, and decontrolling CUI, self-inspection and oversight requirements, and other facets of the program.

BILLING CODE 7515–01–P

2014 OPM

Statement of Regulatory Priorities

Personnel Management in Agencies

The Chief Human Capital Act of 2002 requires OPM to develop systems, standards, and metrics for strategic human capital management in agencies. This rule promulgates these systems, standards, and metrics.

Human Resources Management Reporting Requirements

This rule was a Presidential initiative as part of paperwork reduction and eliminating burdensome and unnecessary reporting. It enables agencies to focus on strategic human capital management rather than administrative reporting. We have been building new leadership and accountability mechanisms around its requirements. This rule also supports Strategic Goal 3 as OPM is building internal data and reporting capabilities to replace these burdensome reporting requirements on agencies.

Performance Appraisal System Certification for Pay Purposes

This rule establishes certification criteria and procedures for agencies to follow to have their Senior Executive and Senior Professional's appraisal system certified by OPM. An agency appraisal system is certified only when a review of that system's design (*i.e.,* system documentation), implementation (*i.e.,* performance plans), and application (*i.e.,* results) reveals that the agency meets the certification criteria. The appraisal process must make meaningful distinctions based on relative performance. The law requires OPM and OMB to jointly regulate the criteria and process used for appraisal system certification.

Managing Senior Executive Performance

This rule fosters an effective enterprise approach to the performance management of Senior Executive Service (SES) members. In January 2012, OPM and OMB released a basic SES appraisal system to provide a more consistent and uniform framework to communicate expectations and evaluate the performance of SES members. The system focuses on the role and responsibility of SES members to achieve results through effective executive leadership. This rule includes the requirements of this system.

Federal Employees Health Benefits Program

OPM will make several amendments to the Federal Employees Health Benefits (FEHB) regulations to adhere to the provisions of the Affordable Care Act of 2010. These amendments include enrollments for eligible employees of Tribes and Tribal organizations, changes to resolutions of disputed health claims and external reviews, rate settings for community-rated plans, enrollment options following the termination of a plan or plan option, and the expansion of eligibility to certain employees on temporary appointments and certain employees on seasonal and intermittent schedules.

BILLING CODE 6325–44–P

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Statement of Regulatory and Deregulatory Priorities

The Pension Benefit Guaranty Corporation (PBGC) protects the pensions of more than 40 million people in more than 25,000 private-sector defined benefit plans. PBGC receives no tax revenues. Operations are financed by insurance premiums, investment income, assets from pension plans trusteed by PBGC, and recoveries from the companies formerly responsible for the trusteed plans.

To carry out these functions, PBGC issues regulations on such matters as termination, payment of premiums, reporting and disclosure, and assessment and collection of employer liability. The Corporation is committed to issuing simple, understandable, flexible, and timely regulations to help affected parties.

PBGC continues to follow a regulatory approach that does not inadvertently discourage the maintenance of existing defined benefit plans or the establishment of new plans. Thus, in developing new regulations and reviewing existing regulations, the focus, to the extent possible, is to avoid placing burdens on plans, employers, and participants, and to ease and simplify employer compliance. PBGC particularly strives to meet the needs of small businesses that sponsor defined benefit plans.

PBGC develops its regulations in accordance with the principles set forth in Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), and PBGC's Plan for Regulatory Review (Regulatory Review Plan).[1] This Statement of Regulatory and Deregulatory Priorities reflects PBGC's ongoing implementation of its Regulatory Review Plan.

PBGC Insurance Programs

PBGC administers two insurance programs for privately defined benefit plans under title IV of the Employee Retirement Income Security Act of 1974 (ERISA):

- *Single-Employer Program.* Under the single-employer program, when a plan terminates with insufficient assets to cover all plan benefits (distress and involuntary terminations), PBGC pays plan benefits that are guaranteed under title IV. PBGC also pays nonguaranteed plan benefits to the extent funded by plan assets or recoveries from employers.
- *Multiemployer Program.* The smaller multiemployer program covers more than 1,450 collectively bargained plans involving more than one unrelated employer. PBGC provides financial assistance (in the form of a loan) to the plan if the plan is unable

[1] *http://www.pbgc.gov/documents/plan-for-regulatory-review.pdf* . Progress reports on the plan can be found at *http://www.pbgc.gov/res/laws-and-regulations/reducing-regulatory-burden.html.*

to pay benefits at the guaranteed level. Guaranteed benefits are less than single-employer guaranteed benefits.

At the end of fiscal year 2013, PBGC had a deficit of about $36 billion in its insurance programs. Current PBGC premiums are insufficient.

Regulatory Objectives and Priorities

PBGC's regulatory objectives and priorities are developed in the context of the Corporation's statutory purposes:

- To encourage voluntary private pension plans.
- To provide for the timely and uninterrupted payment of pension benefits.
- To keep premiums at the lowest possible levels.

Pensions and the statutory framework in which they are maintained and terminate are complex. Despite this complexity, PBGC is committed to issuing simple, understandable, flexible, and timely regulations and other guidance that do not impose undue burdens that could impede maintenance or establishment of defined benefit plans.

Through its regulations and other guidance, PBGC strives to minimize burdens on plans, plan sponsors, and plan participants; simplify filing; provide relief for small businesses and plans; and assist plans in complying with applicable requirements. To enhance policy-making through collaboration, PBGC also plans to expand opportunities for public participation in rulemaking (see Open Government and Public Participation below).

PBGC's current regulatory objectives and priorities are to simplify its regulations and reduce burden, particularly in the areas of premiums and reporting, enhance retirement security, and complete implementation of the Pension Protection Act of 2006 (PPA 2006).

Rethinking Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. The regulatory actions associated with these RINs, as well as other regulatory review projects, are described below.

Title	RIN	Effect on small business
Reportable Events	1212–AB06	Expected to reduce burden on small business.
Premium Rates; Payment of Premiums; Reducing Regulatory Burden	1212–AB26	Reduces the burden on small business.
Multiemployer Plans; Valuation and Notice Requirements	1212–AB25	Little effect on small business.
Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets	1212–AA55	Undetermined.

Reportable events. PPA 2006 affected certain provisions in PBGC's reportable events regulation, which requires employers to notify PBGC of certain plan or corporate events. In November 2009, PBGC published a proposed rule to conform the regulation to the PPA 2006 changes and make other changes.[2] In response to Executive Order 13563 and comments on the proposed rule, in April 2013, PBGC published a new proposal that would exempt more than 90 percent of plans and sponsors from many reporting requirements. The new proposal takes advantage of other existing reporting requirements and methods to avoid burdening companies and plans and expands waivers and redefines events to reduce reporting. The new proposal implements stakeholder suggestions that different reporting requirements should apply in circumstances where the risk to PBGC is low or compliance is especially burdensome. PBGC is developing the final rule, taking into account the public comments.

Premiums. In January and March 2014 PBGC published final rules to make its premium rules more effective and less burdensome. [3] PBGC developed the rules in response to regulatory review and public comments. The changes simplify due dates, coordinate the due date for terminating plans with the termination process, make conforming and clarifying changes to the variable-rate premium rules, and provide for relief from penalties. Large plans no longer have to pay flat-rate premiums early; small plans get more time to value benefits. The changes were favorably received by the pension community.

Multiemployer plans. In May 2014, PBGC published a final rule amending PBGC's multiemployer regulations.[4] The changes were developed as a result of PBGC's regulatory review. The amendments reduce the number of actuarial valuations required for certain small terminated but not insolvent plans, shorten the advance notice filing requirements for mergers in situations that do not involve a compliance determination, and remove certain insolvency notice and update requirements.

Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets. In FY 2014, PBGC began an internal process to establish routine, periodic review of PBGC regulations and policies to ensure that the actuarial and economic content remains current.

ERISA section 4062(e). The statutory provision requires reporting of, and liability for, certain substantial cessations of operations by employers that maintain single-employer plans. In August 2010, PBGC issued a proposed rule to provide guidance on the applicability and enforcement of section 4062(e).[5] In light of comments on the proposal and PBGC's enforcement practices, in November 2012, PBGC announced a 4062(e) enforcement pilot program under which it did not enforce in the case of small plans or financially strong sponsors (90 percent of plans are small or have financially strong sponsors). In July 2014, PBGC announced a moratorium, until the end of 2014, on the enforcement of 4062(e) cases.[6] The moratorium will enable PBGC to further target at-risk plans and work with the business community, labor, and other stakeholders to minimize effects on necessary business activities. At this time, PBGC is withdrawing RIN 1212–AB20 from its regulatory agenda.

ERISA section 4010. PBGC is reviewing its regulation on Annual Financial and Actuarial Information Reporting (part 4010) and the related e-filing application to consider ways of reducing reporting burden and ensuring that PBGC receives the critical information it needs.

[2] 74 FR 61248 (Nov. 23, 2009), *http://www.pbgc.gov/Documents/E9-28056.pdf* .

[3] 79 FR 347 (Jan. 3, 2014), *http://www.pbgc.gov/documents/2013-31109.pdf*; 79 FR 13547 (Mar. 11, 2014), *http://www.pbgc.gov/documents/2014-05212.pdf* .

[4] 79 FR 30459 (May 28, 2014), *http://www.pbgc.gov/documents/2014-12154.pdf* .

[5] 75 FR 48283 (Aug. 10, 2010), *http://www.pbgc.gov/Documents/2010-19627.pdf* .

[6] *http://www.pbgc.gov/news/press/releases/pr14-09.html* .

Retirement Security

DC to DB plan rollovers.

In April 2014, PBGC published a proposed rule that would clarify the treatment of benefits resulting from a rollover distribution from a defined contribution plan to a defined benefit plan, if the defined benefit plan was terminated and trusteed by PBGC.[7] Under the proposal, a benefit resulting from rollover amounts generally would not be subject to PBGC's maximum guaranteeable benefit or phase-in limitations and would be in the second highest priority category of benefits in the allocation of assets. The proposed rule was well-received by the public, and PBGC expects to publish a final rule early in FY 2015. This rulemaking is part of PBGC's efforts to enhance retirement security by promoting lifetime income options.

PPA 2006 Implementation

Cash balance plans. PPA 2006 changed the rules for determining benefits in cash balance plans and other statutory hybrid plans. In October 2011, PBGC published a proposed rule implementing the changes in both PBGC-trusteed plans and in plans that close out in the private sector.[8] The final rule is on hold until Treasury issues final regulations.

Missing participants. A major focus of PBGC's current regulatory efforts is the development of a proposal to improve and expand our missing participants program. The expanded program will cover terminating defined contribution plans, non-covered defined benefit plans, and multiemployer plans. The proposal will take into account comments received from employers, plans, and other stakeholders in response to a 2013 Request for Information. PBGC is working with IRS and DOL to coordinate government requirements for dealing with missing participant issues. PBGC expects to publish a proposed regulation early in FY 2015.

Shutdown benefits. Under PPA 2006, the phase-in period for the guarantee of a benefit payable solely by reason of an ''unpredictable contingent event,'' such as a plant shutdown, starts no earlier than the date of the shutdown or other unpredictable contingent event. PBGC published a final rule implementing this statutory change in May 2014.[9]

[7] 79 FR 18483 (Apr. 2, 2014), *http://www.pbgc.gov/documents/2014-07323.pdf* .

[8] 76 FR 67105 (Oct. 31, 2011), *http://www.pbgc.gov/Documents/2011-28124.pdf* .

[9] 79 FR 25667 (May 6, 2014), *http://www.pbgc.gov/documents/2014-10357.pdf*

Small Businesses

PBGC takes into account the special needs and concerns of small businesses in making policy. A large percentage of the plans insured by PBGC are small or maintained by small employers. PBGC has issued or is considering several proposed rules that will focus on small businesses:

Small plan premium due date. The March 2014 final rule discussed above under Retrospective Review of Existing Regulations addresses concerns that some small plans determine funding levels too late in the year to be able to use current-year figures for the variable-rate premium by the new uniform due date. Under the final rule, small plans generally use prior-year figures for the variable-rate premium (with a provision for opting to use current-year figures).

Reportable events. The reportable events proposed rule discussed above under Retrospective Review of Existing Regulations would waive many reporting requirements for plans with fewer than 100 participants.

Missing participants. The missing participants proposed rule discussed above under PPA 2006 Implementation would benefit small businesses by simplifying and streamlining current requirements, better coordinating with requirements of other agencies, and providing more options for sponsors of terminating non-covered plans.

Open Government and Increased Public Participation

PBGC is doing more to encourage public participation in the regulatory process. For example, PBGC's current efforts to reduce regulatory burden are in substantial part a response to public comments. Regulatory projects discussed above, such as reportable events, ERISA section 4062(e), and ERISA section 4010, highlight PBGC's customer-focused efforts to reduce regulatory burden.

PBGC's Regulatory Review Plan sets forth ways to expand opportunities for public participation in the regulatory process. For example, in June 2013, PBGC held its first ever regulatory hearing on the reportable events proposed rule, so that the agency would have a better understanding of the needs and concerns of plan administrators and plan sponsors. PBGC's 2013 Request for Information on missing participants in individual account plans is another example of PBGC's efforts to solicit public participation in the regulatory process.

PBGC plans to provide additional means for public involvement, including on-line town hall meetings, social media, and continuing opportunity for public comment on PBGC's Web site.

PBGC also invites comments on the Regulatory Review Plan on an on-going basis as we engage in the review process. Comments should be sent to *regs.comments@pbgc.gov*.

PBGC will continue to look for ways to further improve its regulations.

BILLING CODE 7709–01–P

U.S. SMALL BUSINESS ADMINISTRATION (SBA)

Statement of Regulatory Priorities

Overview

The mission of the U.S. Small Business Administration (SBA) is to maintain and strengthen the Nation's economy by enabling the establishment and viability of small businesses and by assisting in economic recovery of communities after disasters. In carrying out this mission, SBA strives to improve the economic environment for small businesses, including those in areas that have significantly higher unemployment and lower income levels than the Nation's averages and those in traditionally underserved markets. The Agency serves as a guarantor of small business loans, and also provides management and technical assistance to existing or potential small business owners through various grants, cooperative agreements or contracts. This access to capital and other assistance provides a crucial foundation for those starting a new business, or growing an existing business and ultimately creating new jobs. SBA also provides direct financial assistance to homeowners, renters, and small business owners to help communities to rebuild in the aftermath of a disaster.

Reducing Burden on Small Businesses

SBA's regulatory policy reflects a commitment to developing regulations that reduce or eliminate the burden on the public, especially the Agency's core constituents—small businesses. SBA's regulatory process generally includes an assessment of the costs and benefits of the regulations as required by Executive Order 12866, ''Regulatory Planning and Review''; Executive Order 13563, ''Improving Regulation and Regulatory Review''; and the Regulatory Flexibility Act. SBA's program offices are particularly invested in finding ways to reduce the burden imposed by the Agency's core activities in its loan, innovation, and procurement programs.

Openness and Transparency

SBA promotes transparency, collaboration, and public participation in its rulemaking process. To that end, SBA routinely solicits comments on its regulations, even those that are not subject to the public notice and comment requirement under the Administrative Procedure Act. Where appropriate, SBA also conducts hearings, webinars, and other public events as part of its regulatory process.

Regulatory Framework

The SBA's FY 2014 to FY 2018 strategic plan serves as the foundation for the regulations that the Agency will develop during the next 12 months. The strategic plan proposes three strategic goals: (1) Growing businesses and creating jobs; (2) serving as the voice for small business; and (3) building an SBA that meets the needs of today's and tomorrow's small businesses. In order to achieve these goals SBA will, among other objectives, focus on:

- Expanding access to capital through SBA's extensive lending network;
- Ensuring Federal contracting goals are met or exceeded by collaborating across the Federal Government to expand opportunities for small businesses and strengthen the integrity of the Federal contracting data and certification process;
- Strengthening SBA's relevance to high growth entrepreneurs and small businesses to more effectively drive innovation and job creation; and
- Mitigating risk and improving program oversight.

The regulations reported in SBA's semi-annual regulatory agenda and plan are intended to facilitate achievement of these goals and objectives. Over the next 12 months, SBA's highest regulatory priority is to implement the Mentor-Protégé Programs, which were authorized by the Small Business Jobs Act, for participants in the HUBZone, Women Owned Small Business (WOSB) Contracting, and Service-Disabled Veteran-Owned Small Business (SDVOSB) Programs and expanded to all small business concerns by the National Defense Authorization Act for FY 2013.

(1) Small Business Mentor-Protégé Programs (RIN: 3245–AG24):

SBA currently has a mentor-protégé program for the 8(a) Business Development Program that is intended to enhance the capabilities of the protégé and to improve its ability to successfully compete for Federal contracts. The Small Business Jobs Act authorized SBA to use this model to establish similar mentor-protégé programs for the Service Disabled Veteran Owned, HUBZone and Women-Owned Small Business Programs. The National Defense Authorization Act for FY 2013 further authorized SBA to extend the availability of mentor-protégé programs to all small business concerns. During the next 12 months, one of SBA's priorities will be to issue regulations establishing these newly authorized mentor-protégé programs. The various types of assistance that a mentor will be expected to provide to a protégé include technical and/or management assistance; financial assistance in the form of equity investment and/or loans; subcontracts and/or assistance in performing prime contracts with the Government in the form of joint venture arrangements.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), SBA developed a plan for the retrospective review of its regulations. Since that date SBA has issued several updates to this plan to reflect the Agency's ongoing efforts in carrying out this executive order. The final agency plan and review updates can be found at *http://www.sba.gov/about-sba/sba_performance/open_government/retrospective_review_of_regulations*.

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION (SSA)

Statement of Regulatory Priorities

We administer the Retirement, Survivors, and Disability Insurance programs under title II of the Social Security Act (Act), the Supplemental Security Income (SSI) program under title XVI of the Act, and the Special Veterans Benefits program under title VIII of the Act. As directed by Congress, we also assist in administering portions of the Medicare program under title XVIII of the Act. Our regulations codify the requirements for eligibility and entitlement to benefits and our procedures for administering these programs. Generally, our regulations do not impose burdens on the private sector or on State or local governments, except for the States' disability determination services. We fully fund the disability determination services in advance or by way of reimbursement for necessary costs in making disability determinations.

The ten entries in our regulatory plan (plan) represent issues of major importance to the Agency. We describe the individual initiatives more fully in the attached plan.

Improving the Disability Process

Since the continued improvement of the disability program is of vital concern to us, we have initiatives in the plan addressing disability-related issues. They include:

One proposed rule and five final rules update the medical listings used to determine disability—evaluating digestive disorders, neurological impairments, hematological disorders, growth disorders and weight loss in children, human immunodeficiency virus infection for evaluating functional limitation in immune system disorders, and cancer (malignant neoplastic diseases). The revisions reflect our adjudicative experience and advances in medical knowledge, diagnosis, and treatment.

Enhance Public Service

Another proposed rule will require our claimants to inform us or to submit all evidence known to them that relates to their disability claim.

We are revising our rules to allow applicants for a Social Security number card to apply by completing a prescribed application and submitting the required evidence, rather than completing a paper application.

There is one proposed rule that will enhance claims processing. The rule will strengthen the integrity of our programs by clarifying our expectations about the obligations representatives have in representing their clients.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (January 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in our final retrospective review of regulations plan. Some of the entries on this list may be completed actions, which do not appear in *The Regulatory Plan*. However, you can find more information about these completed rulemakings in past publications of the Unified Agenda at: *www.Reginfo.gov* in the Completed Actions section for the Social Security Administration. You can also find these rulemakings at: *www.Regulations.gov*. The agency final plans are located at: *www.socialsecurity.gov/open/regsreview/EO-13563-Final-Plan.html*.

RIN	Title	Expected to significantly reduce burdens on small businesses
0960–AF35	Revised Medical Criteria for Evaluating Neurological Impairments	No.
0960–AF58	Revised Medical Criteria for Evaluating Respiratory System Disorders	No.
0960–AF69	Revised Medical Criteria for Evaluating Mental Disorders	No.
0960–AF88	Revised Medical Criteria for Evaluating Hematological Disorders	No.
0960–AG21	New Medical Criteria for Evaluating Language and Speech Disorders	No.
0960–AG28	Revised Medical Criteria for Evaluating Growth Impairments	No.
0960–AG38	Revised Medical Criteria for Evaluating Musculoskeletal Disorders	No.
0960–AG65	Revised Medical Criteria for Evaluating Digestive Disorders	No.
0960–AG74	Revised Medical Criteria for Evaluating Cardiovascular Disorders	No.
0960–AG91	Revised Medical Criteria for Evaluating Skin Disorders	No.
0960–AH04	Revised Medical Criteria for Evaluating Congenital Disorders That Affect Multiple Body Systems	No.
0960–AH28	Revised Medical Criteria for Evaluating Visual Disorders	No.
0960–AH43	Revised Medical Criteria for Evaluating Cancer (Malignant Neoplastic Diseases)	No.
0960–AH54	Revised Medical Criteria for Evaluating Hearing Loss and Disturbances of Labyrinthine-Vestibular Function.	No.

SSA

Proposed Rule Stage

149. Revised Medical Criteria for Evaluating Digestive Disorders (3441P)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 5.00 and 105.00, Digestive Systems, of appendix 1 to subpart P of part 404 of our regulations describe those digestive disorders that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These proposed rules will update, simplify, and clarify our rules.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We could continue to use our current criteria. However, we believe these proposed revisions are necessary because of our program experience, information we received from medical experts we consulted, and comments we received at the Listings Symposium and in response to the ANPRM.

Anticipated Cost and Benefits: Presently under review.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/07	72 FR 70527
ANPRM Comment Period End.	02/11/08	
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov*.

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RIN: 0960–AG65

SSA

150. Revisions to Representative Code of Conduct (3835P)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: Not Yet Determined.

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: This regulatory change adds several affirmative duties and prohibited actions for representatives, including the requirement to assist claimants with complying with the directive to submit all evidence. We will also clarify some of our rules regarding processing representative sanction actions at the hearing and Appeals Council levels and change the timeframe for suspended representatives to request reinstatement when the Appeals Council denies an initial request for reinstatement from 1 to 3 years.

Statement of Need: We revised the rules of conduct in 2011 and are further clarifying our expectations about the obligations of representatives to competently represent their clients. These changes are necessary because our current regulations do not address some representative conduct that we find inappropriate. We are also updating procedures we use when we bring charges against a representative for violating our rules of conduct. These changes will allow us to better protect the integrity of our administrative process and further clarify representatives' responsibilities in their conduct with us and claimants.

Summary of Legal Basis: Administrative–not required by statute or court order.

Alternatives: Based on our program experience, there are no alternatives at this time. These rules will be based on recommendations.

Anticipated Cost and Benefits: The administrative effect of this regulation is negligible.

Risks: Undetermined.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

URL for Public Comments: *www.regulations.gov*.

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RIN: 0960–AH63

SSA

Final Rule Stage

151. Revised Medical Criteria for Evaluating Neurological Impairments (806F)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 11.00 and 111.00, Neurological Impairments, of appendix 1 to subpart P of part 404 of our regulations describe neurological impairments that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We will revise these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These final rules are necessary to update the listings for evaluating neurological impairments to reflect advances in medical knowledge, treatment, and methods of evaluating these impairments. The changes will ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis: Administrative–not required by statute or court order.

Alternatives: We considered not revising the listings and continuing to use our current criteria. However, we believe that these revisions are preferable because of the medical advances that have been made in treating and evaluating these types of impairments.

Anticipated Cost and Benefits: Estimated Savings–low.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19356
ANPRM Comment Period End.	06/13/05	
NPRM	02/25/14	79 FR 10636
NPRM Comment Period End.	04/28/14	
NPRM Comment Period Re-opened.	05/01/14	79 FR 24634
NPRM Comment Period Re-opened End.	06/02/14	
Final Action	07/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov*.

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RIN: 0960–AF35

SSA

152. Revised Medical Criteria for Evaluating Hematological Disorders (974F)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)5)); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 7.00 and 107.00, Hematological Disorders, of appendix 1 to subpart P of part 404 of our regulations, describe hematological disorders that we consider severe enough to prevent a person from performing any gainful activity or that cause marked and severe functional limitation for a child claiming Supplemental Security Income payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These final rules are necessary to update the hematological listings to reflect advances in medical knowledge, treatment, and methods of evaluating hematological disorders. The changes ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis: Administrative–not required by statute or court order.

Alternatives: We considered not revising the listings or making only minor technical changes and continuing to use our current criteria. However, we believe that these revisions are preferable because of the medical advances that have been made in treating and evaluating these types of impairments.

Anticipated Cost and Benefits: Estimated savings–low.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	11/19/13	78 FR 69324
NPRM Comment Period End.	01/21/14	
Final Action	09/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov*.

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RIN: 0960–AF88

SSA

153. Revised Medical Criteria for Evaluating Growth Disorders and Weight Loss in Children (3163F)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Section 100.00, Growth Impairments, of appendix 1 to subpart P of part 404 of our regulations describes growth impairments that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We will revise the criteria in this section to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These final rules are necessary to update several body systems that contain listings for children based on impairment of linear growth or weight loss to reflect advances in medical knowledge, treatment, and methods of evaluating impairments. The changes ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of eligibility are met.

Summary of Legal Basis: Administrative–not required by statute or court order.

Alternatives: We considered not revising the listings or making only minor technical changes and continuing to use our current criteria. However, we believe that these revisions are preferable because of the medical advances that have been made in treating and evaluating these types of impairments.

Anticipated Cost and Benefits: Estimated savings–low.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/05	70 FR 53323
ANPRM Comment Period End.	11/07/05	
NPRM	05/22/13	78 FR 30249
NPRM Comment Period End.	07/22/13	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov*.

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RIN: 0960–AG28

SSA

154. Use of Date of Written Statement as Filing Date (3431F)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402(i); 42 U.S.C. 402(j); 42 U.S.C. 402(o); 42 U.S.C. 402(p); 42 U.S.C. 402(r); 42 U.S.C. 405(a); 42 U.S.C. 416(i)(2); 42 U.S.C. 423(b); 42 U.S.C. 428(a); 42 U.S.C. 902(a)(5).

CFR Citation: 20 CFR 404.630.

Legal Deadline: None.

Abstract: We are revising our rules for protective filing after we receive a written statement of intent to claim Social Security benefits under title II of the Social Security Act (Act). Specifically, we are revising from 6 months to 60 days the time period during which a claimant must file an application for benefits after the date of a notice we send explaining the need to file an application. We are revising our rules to make this time period used in the title II program consistent with the time period used in our other programs.

Statement of Need: We believe that eliminating the difference between the time periods in our programs will make it easier for the public to understand and follow our rules.

Summary of Legal Basis: Administrative–not required by statute or court order.

Alternatives: None.

Anticipated Cost and Benefits: Estimated savings–low.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	12/17/08	73 FR 76573
NPRM Comment Period End.	02/17/09	
Final Action	01/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Helen Droddy, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1483.

RIN: 0960–AG58

SSA

155. Revised Medical Criteria for Evaluating Immune (HIV) System Disorders (3466F)

Priority: Other Significant

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 14.00 and 114.00, Immune System, of appendix 1 to subpart P of part 404 of our regulations describe immune system disorders that we consider severe enough to prevent an individual from doing any gainful activity, or that cause marked and severe functional limitations for a child

claiming Supplemental Security Income payments under title XVI. We will revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These final rules are necessary in order to update the HIV evaluation listings to reflect advances in medical knowledge, treatment, and evaluation methods. The changes that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that individuals who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis: Administrative–not required by statute or court order.

Alternatives: Undetermined at this time.

Anticipated Cost and Benefits: Cost/savings estimate–negligible.

Risks: Undetermined at this time.

Timetable:

Action	Date	FR Cite
ANPRM	03/18/08	73 FR 14409
ANPRM Comment Period End.	05/19/08	
NPRM	02/26/14	79 FR 10730
NPRM Comment Period End.	04/28/14	
NPRM Correction and NPRM Comment Period Extended.	03/25/14	79 FR 16250
NPRM Comment Period Extended End.	05/27/14	
Final Action	05/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: *www.regulations.gov.*

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RIN: 0960–AG71

SSA

156. Revised Medical Criteria for Evaluating Cancer (Malignant Neoplastic Diseases) (3757F)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b.

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 13.00 and 113.00, Malignant Neoplastic Diseases, of appendix 1 to subpart P of our regulations describe malignant neoplastic diseases that we consider severe enough to prevent an individual from doing any gainful activity or that cause marked and severe functional limitations for a child claiming SSI payments under title XVI. We will revise these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These final regulations are necessary to update the Malignant Neoplastic Diseases listings to reflect advances in medical knowledge, treatment, and methods of evaluating malignant neoplastic diseases. The changes will ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We considered not revising the listings and continuing to use our current criteria. However, we believe that these revisions are preferable because of the medical advances that have been made in treating and evaluating these malignant neoplastic diseases and because of our adjudicative experience.

Anticipated Cost and Benefits: Estimated costs—low.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	12/17/13	78 FR 76508
NPRM Comment Period End.	02/18/14	
Final Action	06/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Cheryl A. Williams, Director, Social Security Administration, Office of Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235–6401, Phone: 410 965–1020.

Mark Kuhn, Social Insurance Specialist, Social Security Administration, Office of Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–6109.

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RIN: 0960–AH43

SSA

157. Submission of Evidence in Disability Claims (3802F)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 405(a); 42 U.S.C. 405(d); 42 U.S.C. 423(d)(5); 42 U.S.C. 1383c(a)(3)(H); 42 U.S.C. 1383(d)(1)

CFR Citation: 20 CFR 404.900; 20 CFR 404.935; 20 CFR 404.1512; 20 CFR 404.1740; 20 CFR 405.1; 20 CFR 405.331; 20 CFR 416.912; 20 CFR 416.1400; 20 CFR 416.1435; 20 CFR 416.1540.

Legal Deadline: None.

Abstract: We will require claimants to inform us about or submit all evidence known to them that relates to their disability claim, subject generally to two exceptions for privileged communications and work product. This requirement would include the duty to submit all evidence obtained from any source in its entirety, unless subject to an exception. We will also require a representative to help the claimant obtain the information or evidence that the claimant must submit under our regulations.

Statement of Need: These final rules will protect the integrity of the programs by clarifying a claimant's duty to submit all relevant evidence and enabling us to have a more complete case record on

which to make more accurate disability determinations or decisions.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: Based on our program experience, there are no alternatives at this time. These final rules are based on recommendations by the Administrative Conference of the United States.

Anticipated Cost and Benefits: Undetermined.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	02/20/14	79 FR 9663
NPRM Comment Period End.	04/21/14	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: *www.regulations.gov.*

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SSA

158. • Social Security Number Card Applications (3855I)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: Not Yet Determined.

CFR Citation: 20 CFR 422.103; 20 CFR 422.107; 20 CFR 422.110.

Legal Deadline: None.

Abstract: We are revising our regulations to allow applicants for a Social Security number (SSN) card to apply by completing a prescribed application and submitting the required evidence without completing a paper for SS–5. We are also removing the word ''documentary'' from our description of certain evidence requirements. These administrative changes will simplify the SSN card application and provide flexibility to allow for the use of electronic processes which would result in greater access and ease of use for card applicants. In addition, we are replacing ''Immigration and Naturalization Service'' with ''Department of Homeland Security'' to reflect that agency's name change. These changes are administrative in nature and do not substantively affect eligibility or evidentiary requirements.

Statement of Need: These administrative changes will simplify the SSN card application and provide flexibility to allow for the use of electronic processes, which would result in greater access and ease of use for card applicants.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: None.

Anticipated Cost and Benefits: To be determined.

Risks: None.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

URL for Public Comments: *www.regulations.gov.*

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RIN: 0960–AH68

BILLING CODE 4191–02–P

FALL 2014 STATEMENT OF REGULATORY PRIORITIES

CFPB Purposes and Functions

The Bureau of Consumer Financial Protection (CFPB) was established as an independent bureau of the Federal Reserve System by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203, 124 Stat. 1376) (Dodd-Frank Act). Pursuant to the Dodd-Frank Act, the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. Among these are the consumer financial protection authorities that transferred to the CFPB from seven Federal agencies on the designated transfer date, July 21, 2011. These authorities include the ability to issue regulations under more than a dozen Federal consumer financial laws.

As provided in section 1021 of the Dodd-Frank Act, the purpose of the CFPB is to implement and enforce Federal consumer financial laws consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that such markets are fair, transparent, and competitive. The CFPB is authorized to exercise its authorities for the purpose of ensuring that:

(1) Consumers are provided with timely and understandable information to make responsible decisions about transactions involving consumer financial products and services;

(2) Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

(3) Outdated, unnecessary, or unduly burdensome regulations concerning consumer financial products and services are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

(4) Federal consumer financial law is enforced consistently, without regard to status as a depository institution, in order to promote fair competition; and

(5) Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

CFPB Regulatory Priorities

The CFPB's regulatory priorities for the period from November 1, 2014, to October 31, 2015, include continuing work to implement Dodd-Frank Act mortgage protections, a series of rulemakings to address critical issues in other markets for consumer financial products and services, and following up on earlier efforts to streamline and modernize regulations that the Bureau has inherited from other federal agencies.

Implementing Dodd-Frank Act Mortgage Protections

As reflected in the CFPB's semiannual regulatory agenda, a principal focus of the CFPB is the Bureau's continuing efforts to implement critical consumer protections under the Dodd-Frank Act to guard against mortgage market practices that contributed to the nation's most significant financial crisis in several decades.

A major rulemaking priority for the Bureau continues to be the implementation of the Dodd-Frank Act amendments to the Home Mortgage Disclosure Act (HMDA) and other

revisions to the HMDA regulations. The Dodd-Frank Act amendments augment existing data reporting requirements regarding housing-related loans and applications for such loans. In addition to obtaining data that is critical to the purposes of HMDA—which include providing the public and public officials with information that can be used to help determine whether financial institutions are serving the housing needs of their communities, assisting public officials in the distribution of public sector investments, and assisting in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes—the Bureau views this rulemaking as an opportunity to streamline and modernize HMDA data collection and reporting, in furtherance of its mission under the Dodd-Frank Act to reduce unwarranted regulatory burden. The Bureau published a proposed HMDA rule in the **Federal Register** on August 29, 2014 to add several new reporting requirements and to clarify several existing requirements. Publication of the proposal followed initial outreach efforts and the convening of a panel under the Small Business Regulatory Enforcement Fairness Act in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy, to consult with small lenders who may be affected by the rulemaking. As the Bureau develops a final rule, it expects to review and consider public comments on the proposed rule, consult with other agencies and coordinate with them on implementation efforts, conduct additional outreach to build and refine operational capacity, and prepare to assist financial institutions in their compliance efforts.

A major effort of the Bureau is the implementation of its final rule combining several federal mortgage disclosures that consumers receive in connection with applying for and closing on a mortgage loan under the Truth in Lending Act (TILA) and the Real Estate Settlement Procedures Act (RESPA). This project is mandated under the Dodd-Frank Act both to increase consumer understanding of mortgage transactions and to facilitate compliance by industry. The integrated forms are the cornerstone of the Bureau's broader ''Know Before You Owe'' initiative. These new ''Know Before You Owe'' mortgage forms and their implementing regulations will replace several pages of existing federal disclosures with two simpler, streamlined forms that will help consumers understand their options, choose the deal that is best for them, and avoid costly surprises at the closing table. The Bureau conducted extensive qualitative testing of the new forms prior to issuing a proposal, and also conducted a post-proposal quantitative study to validate the results of the new forms. The results of the quantitative testing showed that consumers of all different experience levels, with different loan types—whether focused on buying a home or refinancing—were able to understand the Bureau's new forms better than the current forms.

The rule was issued in November 2013 and takes effect in August 2015. The Bureau is working intensively to support implementation efforts and prepare consumer education materials and initiatives to help consumers understand and use the new forms. To facilitate implementation, the Bureau has released two compliance guides, sample forms, and additional materials. The Bureau also has been conducting extensive industry outreach to identify interpretive questions or implementation challenges with the rule, and hosting ongoing webinars to address common questions. In addition, in late 2014, the Bureau plans to issue a small proposed rule to make technical corrections, allow for certain language related to new construction loans to be added to the Loan Estimate form, and modify the same-day redisclosure requirement for floating interest rates that are locked after the Loan Estimate is first provided.

In addition, the Bureau is working to support the full implementation of, and facilitate compliance with, various mortgage-related final rules issued by the Bureau in January 2013 to strengthen consumer protections involving the origination and servicing of mortgages. These rules, implementing requirements under the Dodd-Frank Act, were all effective by January 2014. The Bureau is working diligently to monitor the market and plans to make clarifications and adjustments to the rules where warranted. The Bureau is planning to issue rules in fall 2014 to provide certain adjustments to its rules for certain nonprofit entities and to provide a cure mechanism for lenders seeking to make ''qualified mortgages'' under rules requiring assessment of consumers' ability to repay their mortgage loans where the mortgages exceed certain limitations on points and fees. The Bureau also anticipates issuing a proposal in fall 2014 to amend various provisions of its mortgage servicing rules, in both Regulation X and Regulation Z, including further clarification of the applicability of certain provisions when the borrower is in bankruptcy, possible additional enhancements to loss mitigation requirements, and other topics. In addition, in order to promote access to credit, the Bureau is currently engaged in further research to assess the impact of certain provisions implemented under the Dodd-Frank Act that modify general requirements for small creditors that operate predominantly in ''rural or underserved'' areas, and expects to release a notice of proposed rulemaking in early 2015.

Further, the Bureau continues to participate in a series of interagency rulemakings to implement various Dodd-Frank Act amendments to TILA and the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) relating to mortgage appraisals. These include implementing certain other Dodd-Frank Act amendments to FIRREA concerning regulation of appraisal management companies and automated valuation models.

Bureau Regulatory Efforts in Other Consumer Financial Markets

In addition to the implementation of the Dodd-Frank Act mortgage related amendments, the Bureau is also working on a number of rulemakings to address important consumer protection issues in other markets for consumer financial products and services. Much of this effort will be based on previous work of the Bureau such as Requests for Information, Advance Notices of Proposed Rulemaking (ANPRMs), and previously issued Bureau studies and reports.

First, the Bureau anticipates in fall 2014 issuing a proposed rule to create a comprehensive set of protections for General Purpose Reloadable (GPR) cards and other prepaid products, such as payroll cards and student loan disbursement cards, which are increasingly being used by consumers in place of a traditional deposit account or credit card. The proposal will build on comments received by the Bureau in response to a 2012 ANPRM seeking comment, data, and information from the public about GPR cards. The proposed rule will seek to expand coverage in Regulation E (implementing the Electronic Fund Transfer Act) to prepaid accounts, including GPR cards, by extending and in some cases modifying disclosure, periodic statement, and error resolution requirements that apply to consumer asset accounts that are currently subject to Regulation E. The Bureau also expects the proposal to address treatment of overdraft services and

credit features in connection with prepaid accounts under both Regulation Z (Truth in Lending Act) and Regulation E.

Building on Bureau research and other sources, the Bureau is also considering what rules may be appropriate for addressing the sustained use of short-term, high-cost credit products such as payday loans and deposit advance products. The Bureau issued a white paper on these products in April 2013 and a data point providing additional research in March 2014, and is continuing to analyze other consumer protection concerns associated with the use of high-cost, small-dollar credit products. Rulemaking might include disclosures or address acts or practices in connection with these products.

The Bureau is also continuing to develop research on other critical consumer protection markets to help assess whether regulation may be warranted. For example, the Bureau issued research on bank and credit union overdraft programs in 2013 and 2014 and is planning to release the results of further studies on overdraft programs and their effects on consumers.

In addition, the Bureau has launched research initiatives to build on its November 2013 ANPRM on debt collection. These efforts include undertaking a survey to obtain information from consumers about their experiences with debt collection and launching consumer testing initiatives to determine what information would be useful for consumers to have about debt collection and their debts and how that information should be provided to them.

Bureau work is also continuing on a number of earlier initiatives concerning consumer payment services. In addition to the prepaid rulemaking discussed above, in 2014, the Bureau engaged in a rulemaking to make further amendments to its existing rule that applies to consumer remittance transfers to foreign countries. The primary purpose of the rulemaking was to address whether to extend a provision under the Dodd-Frank Act that allows insured depository institutions to estimate certain information for purposes of consumer disclosures. The provision would have expired in July 2015 unless the Bureau exercises authority to extend it for up to five years. The Bureau's final rule extended the provision to July 2020.

The Bureau is continuing rulemaking activities that will further establish the Bureau's nonbank supervisory authority by defining larger participants of certain markets for consumer financial products and services. Larger participants of such markets, as the Bureau defines by rule, are subject to the Bureau's supervisory authority. In fall 2014, the Bureau issued a final rule that amended the regulation defining larger participants of certain consumer financial products and services markets by adding a new section to define larger participants of a market for international money transfers, and began a rulemaking that would define larger participants of a market for automobile financing and define certain automobile leasing activity as a financial product or service.

Bureau Regulatory Streamlining Efforts

Another priority for the Bureau is continuing work on an earlier initiative to consider opportunities to modernize and streamline regulations that it inherited from other agencies pursuant to a transfer of rulemaking authority under the Dodd-Frank Act. In connection with the HMDA rulemaking described above, the Bureau has identified potential opportunities to reduce unwarranted regulatory burden concerning reporting of mortgage application, origination, and purchase activity, as described in the proposed rule. Similarly, the Bureau took the opportunity when streamlining federal mortgage forms as mandated by the Dodd-Frank Act and discussed above, to clarify existing regulations to address longstanding compliance concerns. The Bureau also issued a final rule in fall 2014 to allow financial institutions that restrict their information sharing practices and meet other requirements to post their annual privacy notices to customers under the Gramm-Leach-Bliley Act online rather than delivering them individually. The rulemaking addresses longstanding concerns that the annual mailings are a source of unwarranted regulatory burden and unwanted paperwork for consumers.

Additional Analysis, Planning, and Prioritization

The Bureau is continuing to assess timelines for the issuance of additional Dodd-Frank Act related rulemakings and rulemakings inherited by the CFPB from other agencies as part of the transfer of authorities under the Dodd-Frank Act. The Bureau is also continuing to conduct outreach and research to assess issues in various other markets for consumer financial products and services. For example, as directed by Congress, the Bureau is conducting a study on the use of agreements providing for arbitration of consumer disputes in connection with the offering or providing of consumer financial products or services. Upon completion of this study, the Bureau will evaluate possible policy responses, including possible rulemaking actions, the findings of which shall be consistent with the study. The Bureau will similarly evaluate policy responses to other ongoing research and outreach, taking into account the critical need for and effectiveness of various policy tools. The Bureau will update its regulatory agenda in spring 2015 to reflect the results of further analysis, planning, and prioritization.

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Statement of Regulatory Priorities

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of death and injury associated with consumer products. To achieve this goal, the CPSC:

- develops mandatory product safety standards or bans when other efforts are inadequate to address a safety hazard, or where required by statute;
- obtains repair, replacement, or refunds for defective products that present a substantial product hazard;
- develops information and education campaigns about the safety of consumer products;
- participates in the development or revision of voluntary product safety standards; and
- follows statutory mandates.

Unless directed otherwise by congressional mandate, when deciding which of these approaches to take in any specific case, the CPSC gathers and analyzes data about the nature and extent of the risk presented by the product. The Commission's rules at 16 CFR 1009.8 require the Commission to consider, among other factors, the following criteria when deciding the level of priority for any particular project:

- frequency and severity of injury;
- causality of injury;
- chronic illness and future injuries;
- costs and benefits of Commission action;
- unforeseen nature of the risk;
- vulnerability of the population at risk;
- probability of exposure to the hazard; and
- additional criteria that warrant Commission attention.

Significant Regulatory Actions:

Currently, the Commission is considering one rule that would constitute a ''significant regulatory

action'' under the definition of that term in Executive Order 12866:

1. Flammability Standard for Upholstered Furniture

Under section 4 of the Flammable Fabrics Act (FFA), the Commission may issue a flammability standard or other regulation for a product of interior furnishing if the Commission determines that such a standard is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage. The Commission's regulatory proceeding could result in several actions, one of which could be the development of a mandatory standard requiring that upholstered furniture meet mandatory requirements specified in the standard.

BILLING CODE 6355–01–P

FEDERAL TRADE COMMISSION (FTC)

Statement of Regulatory and Deregulatory Priorities

I. Regulatory and Deregulatory Priorities

Background

The Federal Trade Commission (''FTC'' or ''Commission'') is an independent agency charged by its enabling statute, the Federal Trade Commission Act, with protecting American consumers from ''unfair methods of competition'' and ''unfair or deceptive acts or practices'' in the marketplace. The Commission strives to ensure that consumers benefit from a vigorously competitive marketplace. The Commission's work is rooted in a belief that competition, based on truthful and non-misleading information about products and services, provides consumers the best choice of products and services at the lowest prices.

The Commission pursues its goal of promoting competition in the marketplace through two different but complementary approaches. Unfair or deceptive acts or practices injure both consumers and honest competitors alike and undermine competitive markets. Through its consumer protection activities, the Commission seeks to ensure that consumers receive accurate, truthful, and non-misleading information in the marketplace. At the same time, for consumers to have a choice of products and services at competitive prices and quality, the marketplace must be free from anticompetitive business practices. Thus, the second part of the Commission's basic mission—antitrust enforcement—is to prohibit anticompetitive mergers or other anticompetitive business practices without unduly interfering with the legitimate activities of businesses. These two complementary missions make the Commission unique insofar as it is the Nation's only Federal agency to be given this combination of statutory authority to protect consumers.

The Commission is, first and foremost, a law enforcement agency. It pursues its mandate primarily through case-by-case enforcement of the Federal Trade Commission Act and other statutes. In addition, the Commission is also charged with the responsibility of issuing and enforcing regulations under a number of statutes. Pursuant to the FTC Act, the Commission currently has in place 16 trade regulation rules. Other examples include the regulations enforced pursuant to credit, financial and marketing practice statutes [1] and to energy laws.[2] The Commission also has adopted a number of voluntary industry guides. Most of the regulations and guides pertain to consumer protection matters and are intended to ensure that consumers receive the information necessary to evaluate competing products and make informed purchasing decisions.

Commission Initiatives

The Commission protects consumers through a variety of tools, including both regulatory and non-regulatory approaches. It has encouraged industry self-regulation, developed a corporate leniency policy for certain rule violations, and established compliance partnerships where appropriate.

As detailed below, protecting consumer privacy, containing the rising costs of health care and prescription drugs, fostering competition and innovation in cutting-edge, high-tech industries, challenging deceptive advertising and marketing, and safeguarding the interests of potentially vulnerable consumers, such as children and the financially distressed, continue to be at the forefront of the Commission's consumer protection and competition programs. By subject area, the FTC discusses some of the major workshops, reports,[3] and initiatives it has pursued since the 2013 Regulatory Plan was published.

(a) *Protecting Consumer Privacy.* As the nation's top enforcer on the consumer privacy beat, the FTC works to ensure that consumers can take advantage of the benefits of a dynamic and ever-changing digital marketplace without compromising their privacy. The FTC achieves that goal through civil law enforcement, policy initiatives, and consumer and business education. For example, the FTC's unparalleled experience in consumer privacy enforcement has addressed practices offline, online, and in the mobile environment by large, well-known companies and lesser-known players alike. Data security is an important focus of the Commission's privacy work. Since 2002, the FTC has brought over 50 cases against companies that have engaged in unfair or deceptive practices that the Commission alleged put consumers' personal data at unreasonable risk.

The Commission's recent policy initiatives to promote privacy included a three-part ''Spring Privacy Series'' [4] that examined the privacy implications of three new areas of technology or business practices that have garnered considerable attention for the possible privacy concerns they raise for consumers.

- The first event on February 19, 2014, focused on the privacy and security implications of mobile device tracking, which involves physically tracking consumers in retail and other businesses using signals from their smartphones.
- The second seminar on March 19, 2014, examined alternative scoring products, which are scores increasingly used by businesses for a wide variety of purposes, ranging from identity verification and fraud prevention to marketing and advertising. The event discussed the privacy ramifications of such predictive scores, which may fall outside the Fair Credit Reporting Act.
- The final seminar on May 7, 2014, examined consumers' use of connected health and fitness devices that regularly collect information about them and may transmit this information to other entities.

In November 2013, the Commission held a workshop entitled Internet of

[1] For example, the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN–SPAM Act) (15 U.S.C. sections 7701–7713) and the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. sections 6101–6108).

[2] For example, the Energy Policy Act of 1992 (106 Stat. 2776, codified in scattered sections of the U.S. Code, particularly 42 U.S.C. section 6201 *et seq.* and the Energy Independence and Security Act of 2007 (EISA)).

[3] The FTC also prepares a number of annual and periodic reports on the statutes it administers. These are not discussed in this plan.

[4] See press release ''FTC to Host Spring Seminars on Emerging Consumer Privacy Issues'' dated December 2, 2013, at *http://www.ftc.gov/news-events/press-releases/2013/12/ftc-host-spring-seminars-emerging-consumer-privacy-issues.*

Things—Privacy and Security in a Connected World to explore consumer privacy and security issues posed by the growing connectivity of consumer devices, such as cars, home appliances, and health and fitness devices.[5]

(b) *Protecting Children.* Children increasingly use the Internet for entertainment, information and schoolwork. The Children's Online Privacy Protection Act (COPPA) and the FTC's COPPA Rule protect children's privacy when they are online by putting their parents in charge of who gets to collect personal information about their preteen kids. The FTC enforces COPPA by ensuring that parents have the tools they need to protect their children's privacy.

The Commission is actively litigating to protect children and their parents when children use mobile apps that appeal to children and offer virtual goods for sale. On August 1, 2014, the FTC filed a court complaint alleging that Amazon.com, Inc. billed parents and other account holders for millions of dollars in unauthorized in-app charges incurred by children.[6] Amazon offers many children's apps in its app store for download to mobile devices such as the Kindle Fire. The lawsuit seeks a court order requiring refunds to consumers for the unauthorized charges and permanently banning the company from billing parents and other account holders for in-app charges without their consent. This is the FTC's third case relating to children's in-app purchases; Apple and Google both settled FTC complaints concerning the issue in 2014.[7]

The Commission has issued an updated version of the popular free consumer guide, ''Net Cetera: Chatting with Kids About Being Online.'' [8] The revised publication contains updated information for parents and other adults to use when talking with kids about how to be safe, secure and responsible online. The revision adds new topics that reflect changes in the online world since the guide was first issued in 2009. In the revised booklet, adults can find advice on how to talk with kids about mobile apps, using public Wi-Fi securely and how to recognize text message spam. The booklet also includes information about the recent changes to the COPPA Rule.

(c) *Protecting Seniors.* The Commission works vigilantly to fight telephone scams that harm millions of Americans. The agency has aggressively used law enforcement tools [9] as well as efforts to educate consumers about these scams and to find technological solutions that will make it more difficult for scammers to operate and hide from law enforcement. FTC education and outreach programs reach tens of millions of people every year. Among them is the recently created ''Pass It On'' program that provides seniors with information, in English and Spanish, on a variety of scams targeting the elderly. The agency also works with the Elder Justice Coordinating Council to help protect seniors and with the AARP Foundation, whose peer counselors provided fraud-avoidance advice last year to more than a thousand seniors who had filed complaints with the FTC about certain frauds, including lottery, prize promotion, and grandparent scams. The Commission is also promoting initiatives to make it harder for scammers to fake or ''spoof'' their caller Identification information and the more widespread availability of technology that will block calls from fraudsters, essentially operating as a spam filter for the telephone.

(d) *Protecting Financially Distressed Consumers.* Even as the economy recovers, some consumers continue to face financial challenges. The FTC acts to ensure that consumers are protected from deceptive and unfair credit practices and get the information they need to make informed financial choices. The Commission has continued its enforcement efforts by bringing law enforcement actions to curb deceptive and unfair practices in mortgage rescue, debt relief, auto financing and debt collection.

In October 2014, the FTC also co-hosted a roundtable on debt collection issues with the Consumer Financial Protection Bureau (CFPB). The roundtable specifically examined how debt collection issues affect Latino consumers, especially those who have limited English proficiency (LEP). The event brought together consumer advocates, industry representatives, State and Federal regulators, and academics to exchange information on a range of issues. Topics included an overview of the Latino community, its finances, and the collectors who contact members of this community; pre-litigation collection from Latino consumers; the experience of LEP Latinos in debt collection litigation; credit reporting issues among LEP Latinos; and developing improved strategies for educating and reaching out to LEP Latinos about debt collection.

(e) *Ensuring Consumers Benefit from New Technologies While Also Protecting Them.*

• *Mobile Cramming.* The widespread adoption of mobile devices has provided many important benefits to consumers, including the convenience of paying for goods and services using a mobile phone. Recently, the FTC has brought a number of law enforcement actions in addition to policy and education activities designed to combat mobile cramming that are part of the Commission's overall work to protect consumers in the mobile environment. In the Commission's six mobile cramming cases brought since the spring of 2013, the three that have been fully or partially resolved have resulted in strong relief for consumers. The agency has obtained judgments totaling more than $160 million, as well as court orders preventing the defendants from further illegal cramming. The Commission also has two ongoing cases against two other merchants who crammed charges onto consumers' bills, along with its case against wireless carrier T-Mobile filed earlier in July 2014.[10]

• *Mobile Billing.* One mobile payment option is known as ''carrier billing''—the ability to charge a good or service directly to a mobile phone account. In a report issued on July 28, 2014, FTC staff recommended steps that mobile carriers and other companies should take to prevent consumers from being stuck with unauthorized charges on their mobile phone bills, an unlawful practice known as mobile cramming.[11] FTC staff set out five recommended best practices for industry participants to protect consumers against unwanted charges while enabling innovation and consumer access to another payment mechanism. The FTC will continue to monitor and, where appropriate, investigate industry participants—carriers, billing intermediaries, and merchants—involved in third-party

[5] See workshop agenda and conference description at *http://www.ftc.gov/news-events/events-calendar/2013/11/internet-things-privacy-security-connected-world.*

[6] *FTC* v. *Amazon.com, Inc.,* No. 2:14–cv–01038 (W.D. Wash.) (Complaint For Permanent Injunction And Other Equitable Relief filed on July 10, 2014).

[7] *In the Matter of Apple Inc.,* Docket No. C–4444, Decision and Order, March 25, 2014; *In the Matter of Google Inc.,* Docket No. 122 3237, Proposed Agreement Containing Consent Order, September 4, 2014.

[8] See ''Net Cetera: Chatting with Kids About Being Online'' at *http://www.consumer.ftc.gov/articles/pdf-0001-netcetera.pdf.*

[9] The FTC has brought more than 130 cases involving telemarketing fraud against more than 800 defendants during the past decade.

[10] *FTC* v. *T-Mobile USA, Inc.,* No. 2:14–cv–00967 (W.D. Wash.) (Complaint For Permanent Injunction And Other Equitable Relief filed on July 1, 2014).

[11] See ''Mobile Cramming: A Federal Trade Commission Staff Report (July 2014)'' at *http://www.ftc.gov/system/files/documents/reports/mobile-cramming-federal-trade-commission-staff-report-july-2014/140728mobilecramming.pdf.*

mobile billing and bring further enforcement actions. Further, the FTC will continue to monitor the issue of cramming on mobile phone accounts and evaluate whether other potential solutions—including legislative measures and additional regulatory changes—are necessary to ensure consumers are protected from unwanted and unauthorized charges.

• *Mobile Shopping Apps.* A new staff report issued on August 1, 2014, by the Commission finds that many mobile apps for use in shopping do not provide consumers with important information—such as how the apps manage payment-related disputes or handle consumer data—prior to download. The report, ''What's the Deal? An FTC Study on Mobile Shopping Apps,'' [12] looked at some of the most popular apps used by consumers to comparison shop, collect and redeem deals and discounts, and pay in-store with their mobile devices. The report builds on the findings of the Commission's 2012 workshop on mobile payments and the report from that workshop, which raised concerns about consumers' potential financial liability—as well as the privacy and security of their data—when using mobile payment services. The report is part of the Commission's work to ensure that consumers are fully protected in the growing mobile space, which has included workshops and other initiatives to study cutting-edge issues in this area, along with a number of law enforcement cases.

• *Use of Big Data.* The Commission hosted a public workshop entitled ''Big Data: A Tool for Inclusion or Exclusion?'' on September 15, 2014, which explored the use of ''big data'' and its impact on American consumers, including low-income and underserved consumers. A growing number of companies are increasingly using big data analytics techniques to categorize consumers and make predictions about their behavior. As part of the FTC's ongoing work to shed light on the full scope of big data practices, the workshop examined the potentially positive and negative effects of big data on low income and underserved populations.

(f) *Promoting Competition in Health Care.* The FTC continues to work to eliminate anticompetitive settlements featuring payments by branded drug firms to a generic competitor to keep generic drugs off the market (so-called, ''pay-for-delay'' agreements). It's a practice where the pharmaceutical industry wins, but consumers lose. The brand company protects its drug franchise, and the generic competitor shares in the monopoly profits preserved by avoiding competition. The Commission supports legislation to ban these harmful agreements while actively litigating Federal court challenges to invalidate individual agreements. In a significant victory on June 17, 2013, the U.S. Supreme Court reversed a lower court ruling and held that pay-for-delay agreements between brand and generic drug companies are subject to antitrust scrutiny under an antitrust ''rule of reason'' analysis. *FTC* v. *Actavis, Inc.,* 570 U.S. 756 (2013). The FTC now has three active pay-for-delay litigations underway in federal courts. Two of them involve the blockbuster male testosterone replacement drug Androgel, including the *Actavis* case on remand to the U.S. District Court for the Northern District of Georgia *and FTC* v. *AbbVie, Inc.,* in the U.S. District Court for the Eastern District of Pennsylvania.[13] The third, underway in the U.S. District Court for the Eastern District of Pennsylvania, *FTC* v. *Cephalon, Inc.,* involves the billion-dollar narcolepsy drug Provigil.[14] However, solving this problem through the courts will take considerable time, during which American consumers and governments will continue to pay high prices for prescription drugs.

The FTC also continues to vigorously challenge anticompetitive acquisitions in health care provider markets. For example, in January 2014, a federal court in Idaho issued a permanent injunction enjoining St. Luke's Health System's acquisition of Saltzer Medical Group, Idaho's largest independent, multi-specialty physician practice group, and requiring full divestiture of Saltzer's physicians and assets in an action brought by the FTC, together with the Idaho Attorney General. The complaint charged that the combination of St. Luke's employed primary care physicians and Saltzer's physicians would give the merged firm the market power to demand higher rates for primary care physician services in Nampa, Idaho, and surrounding areas. This case is on appeal. Moreover, in April 2014, in the first appellate decision in a health care provider merger in 15 years, the U.S. Court of Appeals for the Sixth Circuit upheld the Commission's 2012 decision finding that ProMedica Health System, Inc. acquisition of a rival, St. Luke's Hospital in the Toledo, Ohio area, violated the antitrust laws. The Commission's order requires ProMedica to divest St. Luke's Hospital to an FTC-approved buyer.

(g) *Fostering Innovation & Competition.* For more than two decades, the Commission has examined difficult issues at the intersection of antitrust and intellectual property law—issues related to innovation, standard-setting, and patents. The Commission's work in this area is grounded in the recognition that intellectual property and competition laws share the fundamental goals of promoting innovation and consumer welfare. The Commission has authored several seminal reports on competition and patent law and conducted workshops to learn more about emerging practices and trends.

For instance, the FTC and DOJ held a joint workshop in December 2012 to explore the impact of patent assertion entity (PAE) activities [15] and encouraged efforts of the Patent Trade Office to provide the public with more complete information regarding patent ownership.[16] The FTC and DOJ also received public comments in conjunction with the workshop. While workshop panelists and commenters identified potential harms and efficiencies of PAE activity, they noted a lack of empirical data in this area and recommended that FTC use its authority under Section 6(b) of the Federal Trade Commission Act. After public notice and comment, on August 8, 2014, the Commission received authority from the Office of Management and Budget to issue compulsory process orders to PAEs and other industry participants for the purpose of gathering information to examine how PAEs do business and develop a better understanding of how they impact innovation and competition.

(h) *Alcohol Advertising.* On February 1, 2012, the Office of Management and Budget (OMB) gave the Commission

[12] See ''What's the Deal? An FTC Study on Mobile Shopping Apps (August 2014)'' at *http://www.ftc.gov/system/files/documents/reports/whats-deal-federal-trade-commission-study-mobile-shopping-apps-august-2014/140801mobileshoppingapps.pdf.*

[13] *FTC* v. *AbbVie, Inc.,* No. 2:14–cv–05151–RK (E.D. Pa.) (Complaint For Injunctive And Other Equitable Relief filed on September 8, 2014).

[14] *FTC* v. *Cephalon, Inc.,* No. 2:08–CV–02141 (E.D. Pa.).

[15] See press release ''Federal Trade Commission, Department of Justice to Hold Workshop on Patent Assertion Entity Activities'' dated November 19, 2012, at *http://www.ftc.gov/opa/2012/11/paeworkshop.shtm.*

[16] See Comments of the Antitrust Division of the United States Department of Justice And the United States Federal Trade Commission, February 1, 2013, Before the United States Department of Commerce Patent and Trademark Office, In the Matter of Notice of Roundtable on Proposed Requirements for Recordation of Real-Party-in-Interest Information Throughout Application Pendency and Patent Term, Docket No. PTO–P–2012–0047, at *http://www.ftc.gov/os/2013/02/130201pto-rpi-comment.pdf.*

approval, under the Paperwork Reduction Act, to issue compulsory process orders to up to 14 alcohol companies. On April 16, 2012, the Commission issued the orders, seeking information on company brands, sales, and marketing expenses; compliance with advertising placement codes; and use of social media and other digital marketing.[17] On March 20, 2014, the Commission released a report, setting forth the results of its study.[18] The Commission also continues to promote the ''We Don't Serve Teens'' consumer education program, supporting the legal drinking age.[19]

(i) *Gasoline Prices.* Given the impact of energy prices on consumer budgets, the energy sector continues to be a major focus of FTC law enforcement and study. In November 2009, the FTC's Petroleum Market Manipulation Rule became final.[20] Our staff continues to examine all communications from the public about potential violations of this Rule, which prohibits manipulation in wholesale markets for crude oil, gasoline, and petroleum distillates. Other activities complement these efforts, including merger enforcement and an agreement with the Commodity Futures Trading Commission to share investigative information. In view of the fundamental importance of oil, natural gas, and other energy resources to the overall vitality of the United States and world economy, we expect that FTC review and oversight of the oil and natural gas industries will remain a centerpiece of our work for years to come.

(j) *Fraud Surveys.* The FTC's Bureau of Economics (BE) continues to conduct fraud surveys and related research on consumer susceptibility to fraud. For example, BE conducted an exploratory experimental study in a university economics laboratory to see whether we could identify characteristics of consumers who might be more likely to fall victim to fraud. A second exploratory study of susceptibility to fraud was conducted using an Internet panel. The results of that study are currently being analyzed. The most recent survey of the incidence of consumer fraud was conducted between late November 2011 and early February 2012, and a report describing the findings was released in April 2013. The results of these efforts may aid the FTC to better target its enforcement actions and consumer education initiatives and improve future fraud surveys.

(k) *Protecting Consumers from Cross-Border Harm.* The FTC continues to focus on combatting cross-border violations of law that affect consumers. For example, this year the Commission approved fourteen settlements with U.S. businesses that had falsely claimed they were abiding by an international privacy framework known as the U.S.-European Union Safe Harbor that enables U.S. companies to transfer consumer data from the European Union (EU) to the United States in compliance with EU law.[21] Additionally, the FTC, with the help of counterparts in Canada, Slovakia, and Austria, brought an action against a notorious multi-million dollar international business directory scam in *FTC* v. *Construct Data.*[22] Building on the FTC's work with African consumer agencies, the FTC signed a memorandum of understanding (MOU) with Nigeria's Consumer Protection Council and its Economic and Financial Crimes Commission.[23] It is the first FTC MOU of this kind to include a foreign criminal enforcement authority.

The FTC strives to promote sound approaches to common problems by building relationships with sister agencies around the world. With over 130 jurisdictions enforcing competition laws, the FTC continues to lead efforts to develop strong mutual enforcement cooperation and sound policy with its international partners. We continue to strengthen cooperation and coordination with agencies to reach compatible results on cases of mutual interest, such as Thermo Fisher/Life Technologies, in which the FTC recently cooperated with antitrust agencies in nine jurisdictions to reach consistent results.[24] We also work to develop improved tools to facilitate cooperation. This year, FTC and Department of Justice Antitrust Division staff jointly released a model waiver of confidentiality that is designed to streamline the waiver negotiation process, facilitating deeper communication between cooperating agencies.[25] During the past year the FTC held bilateral meetings with key partners, including competition agencies in the EU, Canada, Mexico, Japan, China and India, and continued to play a lead role in the International Competition Network, including co-leading the Agency Effectiveness Working Group and its Investigative Process Project.

(l) *Self-Regulatory and Compliance Initiatives With Industry.* The Commission continues to engage industry in compliance partnerships in the funeral and franchise industries. Specifically, the Commission's Funeral Rule Offender Program, conducted in partnership with the National Funeral Directors Association, is designed to educate funeral home operators found in violation of the requirements of the Funeral Rule, 16 CFR 453, so that they can meet the rule's disclosure requirements. Almost 460 funeral homes have participated in the program since its inception in 1996. In addition, the Commission established the Franchise Rule Alternative Law Enforcement Program in partnership with the International Franchise Association (IFA), a nonprofit organization that represents both franchisors and franchisees. This program is designed to assist franchisors found to have a minor or technical violation of the Franchise Rule, 16 CFR 436, in complying with the rule. Violations involving fraud or other section 5 violations are not candidates for referral to the program. The IFA teaches the franchisor how to comply with the rule and monitors its business for a period of years. Where appropriate, the program offers franchisees the opportunity to mediate claims arising from the law violations. Since December

[17] A copy of the order, a list of the target companies, and the press release are available online at *http://www.ftc.gov/opa/2012/04/alcoholstudy.shtm.*

[18] *See* Self-Regulation in the Alcohol Industry (March 2014), available at *http://www.ftc.gov/system/files/documents/reports/self-regulation-alcohol-industry-report-federal-trade-commission/140320alcoholreport.pdf.*

[19] More information can be found at *http://www.dontserveteens.gov/.*

[20] 16 CFR part 317; See press release: ''New FTC Rule Prohibits Petroleum Market Manipulation'' (Aug. 6, 2009), available at *http://www.ftc.gov/opa/2009/08/mmr.shtm*; ''FTC Issues Compliance Guide for Its Petroleum Market Manipulation Regulations,'' News Release (Nov. 13, 2009), available at *http://www.ftc.gov/opa/2009/11/mmr.shtm.*

[21] See press release ''FTC Approves Final Orders Settling Charges of U.S.-EU Safe Harbor Violations Against 14 Companies'' dated June 25, 2014, at *http://www.ftc.gov/news-events/press-releases/2014/06/ftc-approves-final-orders-settling-charges-us-eu-safe-harbor.*

[22] *FTC* v. *Construct Data Publishers, a.s. d/b/a Fair Guide,* Civil Action Number: 13 cv 1999 (N.D. Ill.) Default Judgment and Order for Permanent Injunction and Other Equitable Relief Against Construct Data Publishers A.S., Wolfgang Valvoda, and Susanne Anhorn (March 7, 2014).

[23] See press release ''FTC Signs Memorandum of Understanding with Nigerian Consumer Protection and Criminal Enforcement Authorities'' dated August 28, 2013, at *http://www.ftc.gov/news-events/press-releases/2013/08/ftc-signs-memorandum-understanding-nigerian-consumer-protection.*

[24] See press release ''FTC Puts Conditions on Thermo Fisher Scientific Inc.'s Proposed Acquisition of Life Technologies Corporation'' dated January 31, 2014, at *http://www.ftc.gov/news-events/press-releases/2014/01/ftc-puts-conditions-thermo-fisher-scientific-incs-proposed.*

[25] See press release ''Federal Trade Commission and Justice Department Issue Updated Model Waiver of Confidentiality for International Civil Matters and Accompanying FAQ'' dated September 25, 2013, at *http://www.ftc.gov/news-events/press-releases/2013/09/federal-trade-commission-and-justice-department-issue-updated.*

1998, 21 companies have agreed to participate in the program.

Rulemakings and Studies Required by Statute

Congress has enacted laws requiring the Commission to undertake rulemakings and studies. This section discusses required rules and studies. The final actions section below describes actions taken on the required rulemakings and studies since the 2013 Regulatory Plan was published.

FACTA Rules. The Commission has issued all of the rules required by FACTA (Fair and Accurate Credit Transactions Act). These rules are codified in several parts of 16 CFR 602 *et seq.,* amending or supplementing regulations relating to the Fair Credit Reporting Act.

FACTA Studies. On March 27, 2009, the Commission issued compulsory information requests to the nine largest private providers of homeowner insurance in the nation. The purpose was to help the FTC collect data for its study on the effects of credit-based scores in the homeowner insurance market, a study mandated by section 215 of the FACTA. During the summer of 2009, these nine insurers submitted responses to the Commission's requests. FTC staff has reviewed the large policy-level data files included in these submissions and has identified a sample set of data to be used for the study. The insurance companies then worked with their vendor to ensure the security of delivering the data set to the FTC's own and separate vendor. That data was sent to the FTC's vendor, which then sent the data, stripped of any personally identifiable information, to the FTC. The FTC's vendor also sent other data to the Social Security Administration (SSA), which will provide the FTC with additional data for the Report. The FTC hopes to receive the SSA data soon. Staff expects the Report will be submitted to Congress during the spring of 2015. This study is not affected by the Consumer Financial Protection Act.

Section 319 of FACTA requires the FTC to study the accuracy and completeness of information in consumers' credit reports and to consider methods for improving the accuracy and completeness of such information. Section 319 of the Act also requires the Commission to issue a series of biennial reports to Congress over a period of 11 years. The Commission's December 2012 report to Congress on credit reporting accuracy focused on identifying potential errors that could have a material effect on a person's credit standing. Any participants who identified a potentially material error on their report were encouraged to dispute the erroneous information. The study found that 26 percent of consumers reported a potential material error on one or more of their three reports and filed a dispute with at least one credit reporting agency (CRA), and half of these consumers experienced a change in their credit scores. For five percent of consumers, the errors on their credit reports could lead to them paying more for products such as auto loans and insurance. Congress instructed the FTC to complete this study by December 2014, when a final report is due.

Retrospective Review of Existing Regulations

In 1992, the Commission implemented a program to review its rules and guides regularly. The Commission's review program is patterned after provisions in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Under the Commission's program, rules are reviewed on a 10-year schedule. For many rules, this has resulted in more frequent reviews than are generally required by section 610 of the Regulatory Flexibility Act. This program is also broader than the review contemplated under the Regulatory Flexibility Act, in that it provides the Commission with an ongoing systematic approach for seeking information about the costs and benefits of its rules and guides and whether there are changes that could minimize any adverse economic effects, not just a ''significant economic impact upon a substantial number of small entities.'' 5 U.S.C. 610.

As part of its continuing 10-year review plan, the Commission examines the effect of rules and guides on small businesses and on the marketplace in general. These reviews may lead to the revision or rescission of rules and guides to ensure that the Commission's consumer protection and competition goals are achieved efficiently and at the least cost to business. In a number of instances, the Commission has determined that existing rules and guides were no longer necessary or in the public interest. Most of the matters currently under review pertain to consumer protection and are intended to ensure that consumers receive the information necessary to evaluate competing products and make informed purchasing decisions. Pursuant to this program, the Commission has rescinded 37 rules and guides promulgated under the FTC's general authority and updated dozens of others since the early 1990s.

In light of Executive Orders 13563 and 13579, the FTC continues to take a fresh look at its long-standing regulatory review process. The Commission is taking a number of steps to ease burdens on business and promote transparency in its regulatory review program:

- The Commission recently issued a revised 10-year review schedule (see next paragraph below) and is accelerating the review of a number of rules and guides in response to recent changes in technology and the marketplace. The Commission is currently reviewing 20 of the 65 rules and guides within its jurisdiction.
- The Commission continues to request and review public comments on the effectiveness of its regulatory review program and suggestions for its improvement.
- The FTC maintains a Web page at *http://www.ftc.gov/regreview* that serves as a one-stop shop for the public to obtain information and provide comments on individual rules and guides under review as well as the Commission's regulatory review program generally.

In addition, the Commission's 10-year periodic review schedule includes initiating reviews for the following rules and guides (79 FR 14199, March 13, 2014) during 2014 and 2015:

(1) Standards for Safeguarding Customer Information, 16 CFR 314,

(2) Contact Lens Rule, 16 CFR 315,

(3) CAN–SPAM Rule, 16 CFR 316, and

(4) Ophthalmic Practice Rules (Eyeglass Rule), 16 CFR 456.

As set out below under *Ongoing Rule and Guide Reviews,* the Commission recently initiated reviews of the Telemarketing Sales Rule (TSR), 16 CFR 308, and the Hobby Rules, 16 CFR 304.

Ongoing Rule and Guide Reviews

The Commission is continuing review of a number of rules and guides, which are discussed below.

(a) Rules

Premerger Notification Rules and Report Form (or HSR Rules), 16 CFR 801–803. The Premerger Office is considering recommending amendments to the HSR Rules regarding standards for the valuation of potentially reportable transactions, regarding the instructions to the HSR Form to update information related to NAICS (North American Industry Classification System) codes, recent rule changes, and a change of address for delivery of filings to the FTC Premerger Office. The proposed amendments may be issued during the first quarter of 2015. The Premerger Office is also considering amendments to the Instructions to the HSR Form to update information related to NAICS codes and

recent rule changes and allow the submission of filings on electronic media.[26]

Fuel Rating Rule, 16 CFR 306. First issued in 1979, the Fuel Rating Rule (or Automotive Fuel Ratings, Certification and Posting Rule) enables consumers to buy gasoline with an appropriate octane rating for their vehicle and establishes standard procedures for determining, certifying, and posting octane ratings. On March 27, 2014, the Commission proposed amendments to the Rule that would adopt and revise rating, certification, and labeling requirements for blends of gasoline with more than 10 percent ethanol and would allow an alternative octane rating method that would lower compliance costs. 79 FR 18850. The comment period closed on July 2, 2014. Staff is reviewing comments and anticipates sending a recommendation to the Commission by the end of the first quarter of 2015.

Telemarketing Sales Rule (TSR), 16 CFR 308. Anti-Fraud Provisions—Commission staff are considering proposed ''Anti-Fraud'' amendments to the TSR concerning, among other things, the misuse of novel payment methods by telemarketers and sellers. On May 21, 2013, the Commission issued a Notice of Proposed Rulemaking (''NPRM''), which was published in the **Federal Register** on July 9, 2013. 78 FR 41200. After a short extension, the comment period closed on August 8, 2013. Commission staff is reviewing the comments submitted in response to the NPRM, and anticipates making a recommendation to the Commission by the end of 2014.

Periodic Rule Review—On August 11, 2014, Commission initiated periodic review of the TSR as set out on the 10-year review schedule. 79 FR 46732. The comment period as extended will close on November 13, 2014. 79 FR 61267 (Oct. 10, 2014).

Hobby Rules, 16 CFR 304. As part of the systematic rule review process, on July 14, 2014, the Commission requested public comments on, among other things, the economic impact and benefits of the Hobby Rules (Rules and Regulations under the Hobby Protection Act); possible conflict between the Rules and State, local, or other Federal laws or regulations; and the effect on the Rules of any technological, economic, or other industry changes. 79 FR 40691. The comment period closed on September 22, 2014. The Hobby Protection Act, 16 U.S.C. 2101–2106, prohibits manufacturing or importing imitation numismatic and collectible political items unless they are marked in accordance with regulations prescribed by the Federal Trade Commission. The implementing Rules prescribe that imitation political items—such as buttons, posters or coffee mugs—must be marked with the calendar year in which they were manufactured, and imitation numismatic items—including coins, tokens and paper money—must be marked with the word ''copy.'' Staff anticipates sending a recommendation to the Commission by May 2015.

The Fair Packaging and Labeling Act (''FPLA'') Rules, 16 CFR 500–502. The FPLA requires consumer commodities to be marked with statements of: (1) Identity; (2) net quantity of contents; and (3) name and place of the business of manufacturer, packer, or distributor. These requirements serve FPLA's stated purpose of ''enabling consumers to obtain accurate information as to the quantity of the contents and . . . to facilitate value comparisons.'' As part of its ongoing systematic review process, the Commission requested comments on March 19, 2014, regarding, among other things, the economic impact and benefits of the FPLA Rules; possible conflict between the Rules and State, local, or other Federal laws or regulations; and the effect on the Rules of any technological, economic, or other industry changes. The comment period closed on May 21, 2014. Staff is reviewing the comments and anticipates forwarding a recommendation to the Commission by the end of 2014.

Care Labeling Rule, 16 CFR 423. Promulgated in 1971, the Rule on Care Labeling of Textile Apparel and Certain Piece Goods as Amended (the Care Labeling Rule) makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching care labels stating ''what regular care is needed for the ordinary use of the product.'' The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions and allows the use of approved care symbols in lieu of words to disclose care instructions. After reviewing the comments from a periodic rule review (76 FR 41148; July 13, 2011), the Commission concluded on September 20, 2012, that the Rule continued to benefit consumers and would be retained, and sought comments on potential updates to the Rule, including changes that would: Allow garment manufacturers and marketers to include instructions for professional wetcleaning on labels; permit the use of ASTM Standard D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' or ISO 3758:2005(E), ''Textiles—Care labeling code using symbols,'' in lieu of terms; clarify what can constitute a reasonable basis for care instructions; and update the definition of ''dryclean.'' 77 FR 58338. On March 28, 2014, the Commission hosted a public roundtable in Washington, DC, that analyzed proposed changes to the Rule. Staff anticipates forwarding a recommendation to the Commission action during early 2015.

Used Car Rule, 16 CFR 455. The Used Motor Vehicle Trade Regulation Rule (''Used Car Rule''), 16 CFR 455, sets out the general duties of a used vehicle dealer; requires that a completed Buyers Guide be posted at all times on the side window of each used car a dealer offers for sale; and mandates disclosure of whether the vehicle is covered by a dealer warranty and, if so, the type and duration of the warranty coverage, or whether the vehicle is being sold ''as is-no warranty.'' The Commission published a notice seeking public comments on the effectiveness and impact of the rule. *See* 73 FR 42285 (July 21, 2008). The comment period, as extended and then reopened, ended on June 15, 2009. In response to comments, the Commission published a Notice of Proposed Rulemaking on December 17, 2012 (*See* 77 FR 74746) and a final rule revising the Spanish translation of the window form on December 12, 2012. *See* 77 FR 73912. The extended comment period on the NPRM ended on March 13, 2012. The Commission is currently considering staff's recommendation relating to the next step in this rulemaking.

Consumer Warranty Rules, 16 CFR 701–703. The Rule Governing the Disclosure of Written Consumer Product Warranty Terms and Conditions (Rule 701) establishes requirements for warrantors for disclosing the terms and conditions of written warranties on consumer products actually costing the consumer more than $15.00. The Rule Governing the Pre-Sale Availability of Written Warranty Terms, 16 CFR part 702 (Rule 702) requires sellers and warrantors to make the terms of a written warranty available to the consumer prior to sale. The Rule Governing Informal Dispute Settlement Procedures (IDSM) (Rule 703) establishes minimum requirements for those informal dispute settlement mechanisms that are incorporated by the warrantor into its consumer product warranty. By incorporating the IDSM into the warranty, the warrantor requires the consumer to use the IDSM before pursuing any legal remedies in

[26] *See Final Actions* for information about a separate final rule proceeding for HSR Rules.

court. On August 23, 2011, as part of its ongoing systematic review of all FTC rules and guides, the Commission requested comments on, among other things, the economic impact and benefits of these Rules, Guides, and Interpretations;[27] possible conflict between the Rules, Guides, and Interpretations and state, local, or other federal laws or regulations; and the effect on the Rules, Guides, and Interpretations of any technological, economic, or other industry changes. *See* 76 FR 52596. The comment period closed on October 24, 2011. Staff anticipates sending a recommendation to the Commission by the fall of 2014.

Cooling-Off Rule, 16 CFR 429. The Cooling-Off Rule requires that a consumer be given a 3-day right to cancel certain sales greater than $25.00 that occur at a place other than a seller's place of business. The rule also requires a seller to notify buyers orally of the right to cancel, to provide buyers with a dated receipt or copy of the contract containing the name and address of the seller and notice of cancellation rights, and to provide buyers with forms which buyers may use to cancel the contract. As part of its systematic regulatory review process and following public comment, the Commission announced that it was retaining the Cooling-Off Rule and proposed increasing its $25 exclusionary limit to $130 to account for inflation. 78 FR 3855 (Jan. 17, 2013). The comment period closed on March 4, 2013. Staff reviewed the comments, and the Commission is currently reviewing its recommendation.

Unavailability Rule, 16 CFR 424. The Unavailability Rule states that it is a violation of section 5 of the FTC Act for retail stores of food, groceries, or other merchandise to advertise products for sale at a stated price if those stores do not have the advertised products in stock and readily available to customers during the effective period of the advertisement, unless the advertisement clearly discloses that supplies of the advertised products are limited or are available only at some outlets. This Rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. On August 12, 2011, the Commission announced an ANPRM and a request for comment on the Rule as part of its systematic periodic review of current rules. The comment period closed on October 19, 2011. Staff has reviewed the comments and expects to submit a recommendation to the Commission by the winter of 2015.

(b) Guides

Jewelry Guides, 16 CFR 23. The Commission sought public comments on its Guides for the Jewelry, Precious Metals, and Pewter Industries, which are commonly known as the Jewelry Guides. 77 FR 39202 (July 2, 2012). Since completing its last review of the Jewelry Guides in 1996, the Commission revised sections of the Guides and addressed other issues raised in petitions from jewelry trade associations. The Guides explain to businesses how to avoid making deceptive claims about precious metal, pewter, diamond, gemstone, and pearl products and when they should make disclosures to avoid unfair or deceptive trade practices. The comment period initially set to close on August 27, 2012, was subsequently extended until September 28, 2012. Staff also conducted a public roundtable to examine possible modifications to the Guides in June 2013. Staff is currently reviewing the record, including comments and the roundtable transcript.

Used Auto Parts Guides, 16 CFR 20. On July 14, 2014, the Commission completed its review of the Guides for the Rebuilt, Reconditioned and Other Used Automobile Parts Industry (Used Auto Parts Guides or Guides), which are designed to prevent the unfair or deceptive marketing of used motor vehicle parts and assemblies, such as engines and transmissions, containing used parts. 79 FR 40623. The Guides prohibit misrepresentations that a part is new or about the condition, extent of previous use, reconstruction, or repair of a part. Previously used parts must be clearly and conspicuously identified as such in advertising and packaging and, if the part appears new, on the part itself. In May 2012, the Commission sought public comments on the Used Auto Parts Guides. 77 FR 29922. After considering the comments, the Commission decided to retain and amend the Guides. Significant amendments include providing that the term ''remanufactured,'' like the term ''factory rebuilt,'' should be used only if the product was rebuilt ''at a factory generally engaged in the rebuilding of such products;'' applying the Guides to used tires; and shortening and updating the sample list of parts that may be industry products.

Final Actions

Since the publication of the 2013 Regulatory Plan, the Commission has issued the following final rules or taken other actions to close other rulemaking proceedings.

Mail or Telephone Order Merchandise Rule, 16 CFR 435. The Mail or Telephone Order Rule requires that, when sellers advertise merchandise, they must have a reasonable basis for stating or implying that they can ship within a certain time. On September 11, 2014, the Commission announced it was adopting final amendments to its Trade Regulation Rule previously entitled ''Mail or Telephone Order Merchandise,'' including revising its name to ''Mail, Internet, or Telephone Order Merchandise'' (the ''Rule''). 79 FR 55615 (Sept. 17, 2014). The final rule is based upon the comments received in response to an Advance Notice of Proposed Rulemaking, a Notice of Proposed Rulemaking, a Staff Report, and other information. Other final amendments clarify that the Rule covers all orders placed over the Internet; revise the Rule to allow sellers to provide refunds and refund notices by any means at least as fast and reliable as first class mail; clarify sellers' obligations when buyers use payment systems not enumerated in the Rule; and require that refunds be made within seven working days for purchases made using third-party credit cards. The final rule is effective on December 8, 2014.

Wool Rules, 16 CFR 300. On June 4, 2014, the Commission amended the Wool Rules (Rules and Regulations Under The Wool Products Labeling Act of 1939) to conform to the 2006 amendments to the Wool Suit Fabric Labeling Fairness and International Standards Conforming Act (the Wool Act) and the amended Textile Rules. The changes included incorporating the Wool Act's new definitions for cashmere and very fine wools, clarifying descriptions of products containing virgin or new wool, and allowing certain hang-tags disclosing fiber trademarks and performance even if they do not disclose the product's full fiber content. The amended Rules were effective on July 7, 2014.

Fur Rules, 16 CFR 301. The Commission published amendments to the Fur Rules (or Rules and Regulations under the Fur Products Labeling Act) on May 28, 2014, to update the Fur Products Name Guide, provide more labeling flexibility, incorporate Truth in Fur Labeling Act provisions, and conform the guaranty provisions to those governing the Rules under the Textile Fiber Products Identification

[27] The **Federal Register** Notice also announced the review of the related Guides for the Advertising of Warranties and Guarantees, 16 CFR 239, and the Interpretations of Magnuson-Moss Warranty Act, 16 CFR 700.

Act. 79 FR 30445. The amendments are effective November 19, 2014. More specifically, the changes eliminate unnecessary requirements on companies that sell fur products to give them more flexibility on labeling, update the Fur Products Name Guide that lists common animal names allowed on fur labels, incorporate provisions of a fur labeling law passed by Congress in 2010, the Truth in Fur Labeling Act of 2010 (''TFLA''), including the elimination of the Commission's discretion to exempt fur products of ''relatively small quantity or value'' from disclosure requirements; and providing that the Fur Act would not apply to products covered by the hunter/trapper exemption.

Textile Labeling Rules, 16 CFR 303. These Rules implement Textile Fiber Identification Act requirements that apparel and other covered household textile articles be marked with (1) the generic names and percentages by weight of the constituent fibers present in the textile fiber product; (2) the name under which the manufacturer or another responsible USA company does business, or in lieu thereof, the registered identification number (RIN) of such a company; and (3) the name of the country where the textile product was processed or manufactured. After notice and comment, the Commission amended the Rules on April 4, 2014, to clarify and update its provisions and provide more flexibility, giving businesses more compliance options without imposing significant new obligations. 79 FR 18766.

Premerger Notification Rules and Report Form (or HSR Rules), 16 CFR 801–803. On April 25, 2014, the Commission, in conjunction with the Department of Justice's Antitrust Division, issued amendments to the HSR Rules, updating the Instructions to the HSR Form with the address for the Premerger Office's new location in the Constitution Center. The effective date of the new address was May 6, 2014. 79 FR 25662.

Prenotification Negative Option Rule, 16 CFR 425. On July 25, 2014, the Commission announced it was closing the periodic Regulatory Review and retaining the Negative Option Rule (the Trade Regulation Rule on Prenotification Negative Option Plans) as currently written. 79 FR 44271 (July 31, 2014). The Negative Option Rule governs the operation of prenotification subscription plans. Under these plans, sellers ship merchandise automatically to their subscribers and bill them for the merchandise within a prescribed time. The Negative Option Rule protects consumers by requiring the disclosure of the terms of membership clearly and conspicuously and establishes procedures for administering the subscription plans.

Energy Labeling Rule, 16 CFR 305. On April 9, 2014, the Commission issued conforming amendments to the Rule requiring a new Department of Energy (''DOE'') test procedure for televisions and establishing data reporting requirements for those products. 79 FR 19464.[28]

Telemarketing Sales Rule, 16 CFR 310. Caller ID—After reviewing the public comments elicited by an Advance Notice of Proposed Rulemaking, 75 FR 78179 (Dec. 15, 2010) seeking suggestions on ways to enhance the effectiveness and enforceability of the caller identification (''Caller ID'') requirements of the TSR as well as technical presentations at the FTC's 2012 Robocall Summit, the Commission determined that amending the TSR would not reduce the incidence of the falsification, or ''spoofing,'' of Caller ID information in telemarketing calls. The Commission issued a **Federal Register** Notice closing this proceeding, effective December 5, 2013. 78 FR 77024 (Dec. 20, 2014).

Fred Meyer Guides, 16 CFR 240. On September 18, 2014, the Commission completed its review of the Fred Meyer Guides (officially the Guides for Advertising Allowances and Other Merchandising Payments and Services) and is retaining the Guides with updates that, among other revisions, clarify that the Guides apply to Internet commerce and bring the Guides into conformity with current case law regarding the applicability of Sections 2(d) and (e) of the Robinson-Patman Act to knowing inducement of disproportional promotional allowances. 79 FR 58245 (Sept. 29, 2014). The Guides assist businesses in complying with sections 2(d) and 2(e) of the Robinson-Patman Act, which proscribe certain discriminations in the provision of promotional allowances and services to customers. Broadly put, the Guides provide that unlawful discrimination may be avoided by providing promotional allowances and services to customers on ''proportionally equal terms.''

Vocational Schools Guides, 16 CFR 254. On November 18, 2013, the Commission amended the Vocational Schools Guides (or the Private Vocational and Distance Education Schools Guides) to address more specifically misrepresentations commonly used in recruitment, including those regarding completion/dropout rates and post-graduation job prospects; about whether completion of a program will qualify students to take a licensing exam; concerning a student's score on an admissions test, how long it takes to complete a course or program, or a student's likelihood of success; and regarding the likelihood of financial aid or help with language barriers or learning disabilities, or how much credit students will receive for courses completed elsewhere. 78 FR 68987. The Vocational School Guides address marketing practices by businesses that offer vocational training.

Summary

In both content and process, the FTC's ongoing and proposed regulatory actions are consistent with the President's priorities. The actions under consideration inform and protect consumers, while minimizing the regulatory burdens on businesses. The Commission will continue working toward these goals. The Commission's 10-year review program is patterned after provisions in the Regulatory Flexibility Act and complies with the Small Business Regulatory Enforcement Fairness Act of 1996. The Commission's 10-year program also is consistent with section 5(a) of Executive Order 12866, which directs executive branch agencies to develop a plan to reevaluate periodically all of their significant existing regulations. 58 FR 51735 (Sept. 30, 1993). In addition, the final rules issued by the Commission continue to be consistent with the President's Statement of Regulatory Philosophy and Principles, Executive Order 12866, section 1(a), which directs agencies to promulgate only such regulations as are, *inter alia,* required by law or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public.

The Commission continues to identify and weigh the costs and benefits of proposed actions and possible alternative actions and to receive the broadest practicable array of comment from affected consumers, businesses, and the public at large. In sum, the Commission's regulatory actions are aimed at efficiently and fairly promoting the ability of ''private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people.'' Executive Order 12866, section 1.

II. Regulatory and Deregulatory Actions

The Commission has no proposed rules that would be a ''significant

[28] *See Ongoing Rule and Guide Reviews* for information about a separate ongoing rulemaking proceeding for the Energy Labeling Rule.

regulatory action'' under the definition in Executive Order 12866.[29] The Commission has no proposed rules that would have significant international impacts under the definition in Executive Order 13609. Also, there are no international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations under Executive Order 13609.

BILLING CODE 6750–01–P

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Statement of Regulatory Priorities

In 1988, Congress adopted the Indian Gaming Regulatory Act (IGRA) (Pub L. 100–497, 102 Stat. 2475) with a primary purpose of providing ''a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments.'' IGRA established the National Indian Gaming Commission (NIGC or the Commission) to protect such gaming, amongst other things, as a means of generating tribal revenue.

At its core, Indian gaming is a function of sovereignty exercised by tribal governments. In addition, the Federal government maintains a government-to-government relationship with the tribes—a responsibility of the NIGC. Thus, while the Agency is committed to strong regulation of Indian gaming, the Commission is equally committed to strengthening government-to-government relations by engaging in meaningful consultation with tribes to fulfill IGRA's intent. The NIGC's vision is to adhere to principles of good government, including transparency to promote agency accountability and fiscal responsibility, to operate consistently to ensure fairness and clarity in the administration of IGRA, and to respect the responsibilities of each sovereign in order to fully promote tribal economic development, self-sufficiency, and strong tribal governments. The NIGC is fully committed to working with tribes to ensure the integrity of the industry by exercising its regulatory responsibilities through technical assistance, compliance, and enforcement activities.

Retrospective Review of Existing Regulations

As an independent regulatory agency, the NIGC has been performing a retrospective review of its existing regulations well before Executive Order 13579 was issued on July 11, 2011. The NIGC, however, recognizes the importance of Executive Order 13579 and its regulatory review is being conducted in the spirit of Executive Order 13579, to identify those regulations that may be outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with input from the public. In addition, as required by Executive Order 13175, the Commission has been conducting government-to-government consultations with tribes regarding each regulation's relevancy, consistency in application, and limitations or barriers to implementation, based on the tribes' experiences. The consultation process is also intended to result in the identification of areas for improvement and needed amendments, if any, new regulations, and the possible repeal of outdated regulations.

The following Regulatory Identifier Numbers (RINs) have been identified as associated with the review:

RIN	Title
3141–AA32	Amendment of Definitions.
3141–AA55	Minimum Internal Control Standards.
3141–AA58	Amendment of Approval of Management Contracts.
3141–AA60	Class II Minimum Internal Control Standards.
3143–AA61	Self-Regulation of Class II Gaming.

More specifically, the NIGC is currently considering promulgating new regulations in the following areas: (i) Amendments to its regulatory definitions to conform to the newly promulgated rules; (ii) the removal, revision, or suspension of the existing minimum internal control standards (MICS) in part 542; (iii) updates or revisions to its management contract regulations to address the current state of the industry; (iv) updates and revisions to its Self-Regulation of Class II Gaming regulations; and (v) the review and revision of the minimum internal control standards for Class II gaming. The NIGC anticipates that the ongoing consultations with regulated tribes will continue to play an important role in the development of the NIGC's rulemaking efforts.

BILLING CODE 7565–01–P

U.S. NUCLEAR REGULATORY COMMISSION'S FISCAL YEAR 2014 REGULATORY PLAN

A. Statement of Regulatory Priorities

Under the authority of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the U.S. Nuclear Regulatory Commission (NRC) regulates the possession and use of source, byproduct, and special nuclear material. The NRC's regulatory mission is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials, to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. As part of its mission, the NRC regulates the operation of nuclear power plants and fuel-cycle plants; the safeguarding of nuclear materials from theft and sabotage; the safe transport, storage, and disposal of radioactive materials and wastes; the decommissioning and safe release for other uses of licensed facilities that are no longer in operation; and the medical, industrial, and research applications of nuclear material. In addition, the NRC licenses the import and export of radioactive materials.

As part of its regulatory process, the NRC routinely conducts comprehensive

[29] Section 3(f) of Executive Order 12866 defines a regulatory action to be ''significant'' if it is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

regulatory analyses that examine the costs and benefits of contemplated regulations. The NRC has developed internal procedures and programs to ensure that it imposes only necessary requirements on its licensees and to review existing regulations to determine whether the requirements imposed are still necessary.

The NRC's Regulatory Plan contains a statement of: (1) The major rules that the NRC expects to publish in final form in fiscal year (FY) 2014 and FY 2015; (2) the other significant rulemakings that the NRC expects to publish in final form in FY 2014; and (3) the other significant rulemakings that the NRC expects to publish in final form in FY 2015 and beyond. For each rule and rulemaking, the NRC is including a citation to an applicable **Federal Register** notice, which provides further information, a summary of the legal basis for the rule or rulemaking, an explanation of why the NRC is pursuing the rule or rulemaking, the rulemaking's schedule, and contact information.

B.1. Major Rules (FY 2014)

The NRC will have published one major rule in final form by the end of FY 2014.

Revision of Fee Schedules; Fee Recovery for FY 2014 (Regulation Identifier Number (RIN) 3150–AJ32)

Through this rule, the NRC will amend the licensing, inspection, and annual fees charged to its applicants and licensees. The amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended, which requires the NRC to recover through fees approximately 90 percent of its budget authority in FY 2014, not including amounts appropriated for Waste Incidental to Reprocessing and amounts appropriated for generic homeland security activities. These fees represent the cost of the NRC's services provided to applicants and licensees. The proposed rule was published in the **Federal Register** (FR) on April 14, 2014 (79 FR 21036), and the comment period ended on May 14, 2014.

B.2. Major Rules (FY 2015)

The NRC anticipates publishing one major rule in final form in FY 2015.

Revision of Fee Schedules; Fee Recovery for FY 2015—The NRC will update its requirement to recover approximately 90 percent of its budget authority in FY 2015.

C.1. Other Significant Rulemakings (FY 2014)

The NRC has published four other significant rulemakings in final form in FY 2014. All four rules update the NRC's list of approved spent fuel storage casks to include amendments to Certificates of Compliance (CoC). Final rules were published in the FR as follows:

Transnuclear, Inc. Standardized NUHOMS® Cask System; Amendment No. 11 to CoC No. 1004 (RIN 3150–AJ10), was published on December 27, 2013 (78 FR 78693), and effective on January 7, 2014.

HI–STORM 100 Cask System; Amendment No. 9 to CoC No. 1014 (RIN 3150–AJ12), was published on December 26, 2013 (78 FR 78165), and effective on March 11, 2014.

Transnuclear, Inc. Standardized NUHOMS® Cask System; Amendment No. 13 to CoC No. 1004 (RIN 3150–AJ28), was published on March 10, 2014 (79 FR 13192). The final rule will be effective on May 24, 2014.

Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System; Amendment No. 3 to CoC No. 1029 (RIN 3150–AJ31), was published on April 15, 2014 (79 FR 21121). The NRC is in the process of considering comments received on this direct final rule.

The NRC will have published two CoC rules in final form in FY 2014.

Two CoC Rulemakings (RIN 3150–AJ30; and RIN 3150–AJ39)—These rulemakings allow a power reactor licensee to store spent fuel in approved cask designs under a general license.

C.2. Other Significant Rulemakings (FY 2015 and Beyond)

The other significant rulemakings that the NRC anticipates publishing in final form in FY 2015 and beyond are listed below. Some of these regulatory priorities are a result of recommendations from the Fukushima Dai-ichi Near-Term Task Force. In 2011, the NRC established this task force to examine regulatory requirements, programs, processes, and implementation based on information from the Fukushima Dai-ichi site in Japan, following the March 11, 2011, earthquake and tsunami (*see* ''Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident,'' dated July 12, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML111861807)).

Station Blackout Mitigation Strategies (RIN 3150–AJ08)

This rulemaking addresses Fukushima Dai-ichi Near-Term Task Force Recommendations 4 and 7. The NRC published a draft regulatory basis for public comment in the **Federal Register** on April 10, 2013 (78 FR 21275), supporting the potential amendment of its regulations for nuclear power plant licensees and their station blackout mitigation strategies. The NRC issued a final regulatory basis for rulemaking in a document published in the **Federal Register** on July 23, 2013 (78 FR 44035).

Performance-Based Emergency Core Cooling System Acceptance Criteria (RIN 3150–AH42)

The proposed rule was published in the **Federal Register** on March 24, 2014 (79 FR 16106). The proposed rule would replace prescriptive requirements with performance-based requirements, incorporate recent research findings, and expand applicability to all fuel designs and cladding materials. Further, the proposed rule would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris on long-term cooling. The proposed rule addresses two petitions for rulemaking (PRMs). On April 22, 2014 (79 FR 22456), a document was published in the FR extending the comment period until August 21, 2014.

Strengthening and Integrating Onsite Emergency Response Capabilities (RIN 3150–AJ11)

This rulemaking addresses Fukushima Dai-ichi Near-Term Task Force Recommendation 8. The draft regulatory basis for this rulemaking was published in the FR on January 8, 2013 (78 FR 1154). The NRC solicited stakeholder feedback on why the NRC finds rulemaking necessary to revise its regulations governing the integration and enhancement of requirements for onsite emergency response capabilities. The final regulatory basis for this rulemaking was published in the FR on October 25, 2013 (78 FR 63901). Preliminary proposed rule language was made available in a document published in the FR on November 15, 2013 (78 FR 68774).

Medical Use of Byproduct Material (Formerly Titled: Preceptor Attestation Requirements) (RIN 3150–AI63)

The proposed rule would amend medical use regulations related to medical event definitions for permanent implant brachytherapy; training and experience requirements for authorized users, medical physicists, Radiation

Safety Officers, and nuclear pharmacists; and requirements for the testing and reporting of failed molybdenum/technetium and rubidium generators. This rule would also make changes that would allow Associate Radiation Safety Officers to be named on a medical license, and make other clarifications. This rulemaking would also consider a request filed in a PRM, PRM–35–20, to ''grandfather'' certain board-certified individuals, and per Commission direction in the Staff Requirements Memorandum dated August 13, 2012, to SECY–12–0053 (ADAMS Accession No. ML12072A299), subsume a proposed rule previously published under RIN 3150–AI26, ''Medical Use of Byproduct Material-Amendments/Medical Event Definition'' [NRC–2008–0071].

10 CFR Part 26 Drug and Alcohol Testing (RIN 3150–AJ15)

This proposed rule would amend the drug testing requirements of 10 CFR part 26, ''Fitness-for-Duty Programs,'' to incorporate lessons learned from implementing the 2008 10 CFR part 26 final rule; enhance the identification of new testing subversion methods; and require the evaluation and testing of semi-synthetic opiates, synthetic drugs and urine, and use of chemicals or multiple prescriptions that could result in a person being unfit for duty.

Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (RIN 3150–AI49)

The proposed rule was published in the FR on February 2, 2011 (76 FR 6200). A supplemental proposed rule was published in the FR on January 10, 2013 (78 FR 2214). This proposed rule would implement the NRC's authority under the new Section 161A of the Atomic Energy Act of 1954, as amended, and revise existing regulations governing security event notifications.

Cyber Event Notification Rule (RIN 3150–AJ37)

This rule would establish a new section in 10 CFR part 73, ''Physical Protection of Plants and Materials,'' for cyber security event notifications. This rule was originally proposed as part of the Enhanced Weapons rulemaking (RIN 3150–AI49).

Site-Specific Analysis (Disposal of Unique Waste Streams) (RIN 3150–AI92)

The proposed rule would amend the Commission's regulations to require both currently operating and future low-level radioactive waste disposal facilities to enhance safe disposal of low-level radioactive waste by conducting a performance assessment and an intruder assessment to demonstrate compliance with performance objectives in 10 CFR part 61, ''Licensing Requirements for Land Disposal of Radioactive Waste.'' Preliminary proposed rule language was made available in a document published in the FR on May 3, 2011 (76 FR 24831). The regulatory basis for rulemaking was made available in a document published in the FR on December 7, 2012 (77 FR 72997). On January 8, 2013 (78 FR 1155), the NRC published a document correcting the title and the ADAMS accession number of the regulatory basis document referenced in the document that was published on December 7, 2012.

10 CFR Part 26 Drug Testing—U.S. Department of Health and Human Services (HHS) Guidelines (RIN 3150–AI67)

The proposed rule would amend the Commission's regulations to selectively align drug testing requirements in 10 CFR part 26 with Federal drug testing guidelines issued by HHS. The regulatory basis was published in the FR on July 1, 2013 (78 FR 39190).

NRC

Proposed Rule Stage

159. • Revision of Fee Schedules: Fee Recovery for FY 2015 [NRC–2014–0200]

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

CFR Citation: 10 CFR 170; 10 CFR 171.

Legal Deadline: NPRM, Statutory, September 30, 2015.

The Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2015, less the amounts appropriated from the Waste Incidental to Reprocessing, and generic homeland security activities. The OBRA–90 requires that the fees for FY 2015, must be collected by September 30, 2015.

Abstract: This proposed rulemaking would amend the licensing, inspection, and annual fees that the Commission charges its applicants and licensees. These amendments would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90) as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2015, less the amounts appropriated from the Waste Incidental to Reprocessing, and generic homeland security activities.

Statement of Need: This rulemaking would amend the licensing inspection, and annual fees charged to the NRC's licensees and applicants for an NRC license. The amendments are necessary to recover approximately 90 percent of the NRC's budget authority for FY 2015 less the amounts appropriated for non-fee items. The OBRA–90, as amended, requires that the NRC accomplish the 90 percent recovery through the assessment of fees. The NRC assesses two types of fees to recover its budget authority. License and inspection fees are assessed under the authority of the Independent Offices Appropriation Act of 1952 (IOAA) to recover the costs of providing individually identifiable services to specific applicants and licensees (10 CFR part 170). IOAA requires that the NRC recover the full cost to the NRC of all identifiable regulatory services that each applicant or licensee receives. The NRC recovers generic and other regulatory costs not recovered from fees imposed under 10 CFR part 170 through the assessment of annual fees under the authority of OBRA–90 (10 CFR part 171). Annual fee charges are consistent with the guidance in the Conference Committee Report on OBRA–90. The NRC assesses annual charges under the principle that licensees who require the greatest expenditure of the Agency's resources should pay the greatest annual fee.

Summary of Legal Basis: The OBRA–90, as amended, requires that the fees for FY 2015 must be collected by September 30, 2015.

Alternatives: Because this action is mandated by statute and the fees must be assessed through rulemaking, the NRC did not consider alternatives to this action.

Anticipated Cost and Benefits: The cost to the NRC's licensees is approximately 90 percent of the NRC FY 2015 budget authority less the amounts appropriated for non-fee items. The estimated dollar amount to be billed to licensees as fees to the NRC's applicants and licensees for FY 2015 is approximately $925.2 million.

Risks: Not applicable.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Local, State.

Federalism: Undetermined.

Agency Contact: Arlette P. Howard, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–1481, *Email: arlette.howard@nrc.gov*.

RIN: 3150–AJ44

BILLING CODE 7590–01–P

FEDERAL ACQUISITION REGULATION (FAR)

I. Mission and Overview

The Federal Acquisition Regulation (FAR) was established to codify uniform policies for acquisition of supplies and services by executive agencies. It is issued and maintained jointly, pursuant to the Office of Federal Procurement Policy (OFPP) Reauthorization Act, under the statutory authorities granted to the Secretary of Defense, Administrator of General Services, and the Administrator, National Aeronautics and Space Administration. Statutory authorities to issue and revise the FAR have been delegated to the procurement executives in Department of Defense (DoD), GSA, and National Aeronautics and Space Administration (NASA). The FAR Council formulated a plan for a retrospective analysis of existing rules and a paperwork burden plan in response to the President's Executive Orders 13563 and 13610. The plan conducts a periodic review of existing significant regulations and also focuses on reducing the paperwork burdens on small business. The plan is located at *http://www.acquisition.gov*.

II. Statement of Regulatory and Deregulatory Priorities

Federal Acquisition Regulation Priorities

Specific FAR cases that the FAR Council plans to address in Fiscal Year 2015 include:

Regulations of Concern to Small Businesses

Small Business Subcontracting Improvements—This case implements statutory requirements from the Small Business Jobs Act of 2010 aimed at protecting small business subcontractors and increasing subcontracting opportunities for small business. (FAR Case 2014–003)

Set-Asides under Multiple Award Contracts—This case implements statutory requirements from the Small Business Jobs Act of 2010 and is aimed at providing agencies with clarifying guidance on how to use multiple award contracts as a tool to increase Federal contracting opportunities for small businesses. (FAR Case 2014–002)

Payment of Subcontractors—This case implements section 1334 of the Small Business Jobs Act of 2010 and the Small Business Administration's (SBA) Final Rule 78 FR 42391, Small Business Subcontracting. The rule requires prime contractors of contracts requiring a subcontracting plan to notify the contracting officer in writing if the prime contractor pays a reduced price to a subcontractor or if payment is more than 90 days past due. A contracting officer will then use his or her best judgment in determining whether the late or reduced payment was justified and if not the contracting officer will record the identity of a prime contractor with a history of unjustified untimely payments to subcontractors in the Federal Awardee Performance and Integrity Information System (FAPIIS) or any successor system. (FAR Case 2014–004)

Consolidation of Contract Requirements—This case implements section 1313 of the Small Business Jobs Act of 2010 and SBA's final rule to ensure that decisions made by Federal agencies regarding consolidation of contract requirements are made with a view to providing small businesses with appropriate opportunities to participate as prime and subcontractors. (FAR Case 2014–015)

Clarification of Requirement for Justifications for 8(a) Sole-Source Contracts—This case amends the FAR in response to GAO Report to the Chairman, Subcommittee on Contracting Oversight, Committee on Homeland Security and Governmental Affairs, U.S. Senate, entitled Federal Contracting: Slow Start to Implementation of Justifications for 8(a) Sole-Source Contracts (GAO–13–118 dated December 2012). The GAO report indicated that the FAR is not clear on whether a justification is required and suggested that clarifying guidance is needed to help ensure that agencies are applying the justification requirement consistently. Based on GAO's recommendation, this case further clarifies the processes and procedures in the FAR to ensure uniform, consistent, and coherent guidance regarding the use of sole-source 8(a) justifications. (FAR Case 2013–018)

Contracts under the Small Business Administration 8(a) Program—This case clarifies FAR subpart 19.8, ''Contracting with the Small Business Administration (The 8(a) Program).'' Clarifications include the evaluation, offering, and acceptance process for requirements under the 8(a) program, procedures for acquiring SBA's consent to procure an 8(a) requirement outside the 8(a) program, and the impact of exiting the 8(a) program in terms of the firm's ability to receive future 8(a) requirements and its current contractual commitments. (FAR Case 2012–022)

Regulations Which Promote Fiscal Responsibility

Notification of Pass-Through Contracts—This case implements section 802 of the NDAA for FY 2013. Section 802 requires in those instances where an offeror for a contract, task order, or delivery order informs the agency pursuant to FAR 52.215–22 of their intention to award subcontracts for more than 70 percent of the total cost of work to be performed under the contract, task order, or delivery order, the contracting officer is required to (1) consider the availability of alternative contract vehicles and the feasibility of contracting directly with a subcontractor or subcontractors that will perform the bulk of the work; (2) make a written determination that the contracting approach selected is in the best interest of the Government; and (3) document the basis for such determination. (FAR Case 2013–012)

Limitation on Allowable Government Contractor Compensation Costs—This interim rule implements section 702 of the Bipartisan Budget Act of 2013. In accordance with section 702, the interim rule revises the allowable cost limit relative to the compensation of contractor and subcontractor employees. Also, in accordance with section 702, this interim rule implements the possible exception to this allowable cost limit for scientists, engineers, or other specialists upon an agency determination that such exceptions are needed to ensure that the executive agency has continued access to needed skills and capabilities. (FAR Case 2014–012)

Regulations Which Promote Ethics and Integrity in Contractor Performance

Information on Corporate Contractor Performance and Integrity—This case implements section 852 of the NDAA for FY 2013 (Pub. L. 112–239). Section 852 requires that the Federal Awardee Performance and Integrity Information System (FAPPIIS) include, to the extent practicable, identification of any immediate owner or subsidiary, and all predecessors of an offeror that held a Federal contract or grant within the last three years. The objective is to provide a more comprehensive understanding of the performance and integrity of a

contractor in awarding a Federal contract. (FAR Case 2013–020)

Trafficking in Persons—This case implements Executive Order 13627, and title XVII of the NDAA for FY 2013, to strengthen protections against trafficking in persons in Federal contracts. The case creates a stronger framework and additional requirements related to awareness, compliance, and enforcement. Contractors and subcontractors must disclose to employees the key conditions of employment, starting with wages and work location. (FAR Case 2013–001)

Prohibition on Contracting with Corporations with Delinquent Taxes or a Felony Conviction—This case implements multiple sections of the Consolidated Appropriations Act, 2014 (Pub. L. 113–76) to prohibit using any of the funds appropriated by the Act to enter into a contract with any corporation with a delinquent Federal tax liability or a felony conviction. (FAR case 2014–019)

Prohibition On Contracting with Inverted Domestic Corporations—This case implements section 733 of Division E of the Consolidated Appropriations Act, 2014 (Pub. L. 113–76), which prohibits expenditure of appropriated funds for contracts with a foreign incorporated entity that is treated as an inverted domestic corporation or any subsidiary of such entity. The FAR is being updated to (1) revise the methods used to implement the inverted domestic corporation contracting prohibition; (2) amend the definition to clarify entities considered to be an inverted domestic corporation; (3) revise the representation to require two affirmative yes/no representations with respect to inverted domestic corporation status; and require a contractor to promptly inform the contracting officer, in writing, in the event the contractor becomes either an inverted domestic corporation or a subsidiary of an inverted domestic corporation during the performance of the contract. (FAR Case 2014–017)

Regulations Which Promote Accountability and Transparency

Commercial and Government Entity (CAGE) Code—This case requires the use of CAGE codes, an alpha-numeric identifier used extensively throughout the Government, for awards valued greater than the micropurchase threshold. The case also requires identification of the immediate corporate/organization parent and highest level corporate/organization parent during contractor registration for Federal contracts. The goal is to provide for standardization across the Federal government, and to facilitate data collection as means of promoting increased traceability and transparency. (FAR Case 2012–014)

Uniform Procurement Identification—This case requires the use of a unique identifier for contracting offices and a standard unique Procurement Instrument Identification Number for transactions. The goal is to provide for standardization across the Federal government and to facilitate data tracking and collection. (FAR Case 2012–023)

Uniform Use of Line Items—This case establishes a requirement for use of a standardized uniform line item numbering structure in Federal procurement. This case is one component of the effort to implement Federal spending data standards in Federal procurement. This effort will help improve analysis and management decision that can reduce duplication in Federal spending, reduce costs for recipients of Federal dollars by reducing variations in standards for reporting and billing purposes, and provide greater transparency on outcomes of spending. (FAR Case 2013–014)

Privacy Training—This case creates a FAR clause to require contractors that (1) need access to a system of records, (2) handle personally identifiable information, or (3) design, develop, maintain, or operate a system of records on behalf of the Government have their personnel complete privacy training. This addition complies with subsections (e) (agency requirements) and (m) (Government contractors) of the Privacy Act (5 U.S.C. 552a). (FAR Case 2010–013)

Regulations That Promote Protection of Government Information and Systems

Basic Safeguarding of Contractor Information Systems—This case amends the FAR to implement procedures for safeguarding contractor information systems that contain information provided by or generated for the Government. The purpose of these safeguards is to provide the Government with the necessary assurance that contractors are taking basic security measures on their information systems containing Government information. (FAR Case 2011–020)

Expanded Reporting of Nonconforming Items—This case expands Government and contractor requirements for reporting of nonconforming items. A nonconforming item includes items that are likely to result in failure of the supplies or services, or materially reduces the usability of the supplies or services for their intended purpose. It is a partial implementation of section 818 of the NDAA for FY 2012. (FAR Case 2013–002)

Higher-Level Contract Quality Requirements—This case clarifies when to use higher-level quality standards in solicitations and contracts. The rule also updates the examples of higher-level quality standards by removing obsolete standards and adding new industry standards that pertain to quality assurance for avoidance of counterfeit items. (FAR Case 2012–032)

Regulations Which Promote Fair Labor Practices

Fair Pay and Safe Workplaces—This rule implements Executive Order 13673, Fair Pay and Safe Workplaces, seeks to increase efficiency in the work performed by Federal contractors by ensuring that they understand and comply with labor laws designed to promote safe, healthy, fair and effective workplaces. (FAR Case 2014–025)

Minimum wage for contractors—This rule implements Executive Order 13658, Establishing a Minimum Wage for Contractors, requires agencies, to the extent permitted by law, to include a clause in new solicitations and resultant contract specifying, as a condition of payment, that the minimum wage to be paid to workers, in the performance of the contract or any subcontract there under, shall be at least $10.10 per hour beginning January 1, 2015.

Equal Employment and Affirmative Action for Veterans and Individuals with Disabilities—This rule implements DOL regulations at 41 CFR 60–250 and 60–300 designed to promote equal opportunity for veterans and individuals with disabilities. (FAR case 2014–013)

Regulations That Promote Environmental Goals

EPEAT Items—This case expands the Federal requirement to procure EPEAT®-registered products beyond personal computer products to cover imaging equipment (*i.e.,* copiers, digital duplicators, facsimile machines, mailing machines, multifunction devices, printers, and scanners) and televisions and modify the existing FAR requirements to recognize the revised standard applicable to computer products. (FAR Case 2013–016)

High Global Warming Potential Hydrofluorocarbons— This case implements the President's Climate Action Plan by setting forth policies and procedures for the acquisition of items that contain, use, or are manufactured with ozone-depleting substances; or contain or use high global warming potential hydrofluorocarbons.

Contractors shall refer to EPA's Significant New Alternatives Policy (SNAP) program (available at *http://www.epa.gov/ozone/snap*) which has additional information and a list of alternatives to ozone-depleting substances and lower global warming hydrofluorocarbons. (FAR Case 2014–026)

Dated: September 19, 2014

Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

[FR Doc. 2014–28927 Filed 12–19–14; 8:45 am]

BILLING CODE 6820–EP–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Ch. IV

5 CFR Ch. LXXIII

7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Fall 2014

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders (EO) 12866 ''Regulatory Planning and Review'' and 13563 ''Improving Regulation and Regulatory Review.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *www.reginfo.gov.* Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

For this edition of the USDA regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online regulatory agenda and in part II of the **Federal Register** that includes the abbreviated regulatory agenda.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: September 29, 2014.

Michael Poe,

Chief, Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
160	National Organic Program, Origin of Livestock, NOP–11–0009 **(Reg Plan Seq No. 1)**	0581–AD08
161	National Organic Program, Organic Pet Food Standards **(Reg Plan Seq No. 2)**	0581–AD20
162	National Organic Program, Organic Apiculture Practice Standard, NOP–12–0063 **(Reg Plan Seq No. 3)**	0581–AD31
163	National Organic Program—Organic Aquaculture Standards **(Reg Plan Seq No. 4)**	0581–AD34
164	Exemption of Producers and Handlers of Organic Products From Assessment Under a Commodity Promotion Law **(Reg Plan Seq No. 5)**.	0581–AD37

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
165	User Fees for 2014 Crop Cotton Classification Services to Growers	0581–AD35

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
166	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579–AC31
167	Scrapie in Sheep and Goats	0579–AC92
168	Plant Pest Regulations; Update of General Provisions	0579–AC98
169	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579–AD10
170	Brucellosis and Bovine Tuberculosis; Update of General Provisions **(Reg Plan Seq No. 9)**	0579–AD65
171	Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables **(Reg Plan Seq No. 10)**.	0579–AD71

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
172	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza.	0579–AC36
173	Importation of Wood Packaging Material From Canada	0579–AD28
174	Importation of Beef From a Region in Brazil	0579–AD41
175	Treatment of Firewood and Spruce Logs Imported From Canada	0579–AD60

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
176	Importation of Live Dogs	0579–AD23
177	Importation of Female Squash Flowers From Israel Into the Continental United States	0579–AD72

RURAL HOUSING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
178	Guaranteed Single-Family Housing	0575–AC18

FOOD AND NUTRITION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
179	Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010 **(Reg Plan Seq No. 15)**.	0584–AE18

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FOOD AND NUTRITION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
180	Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010 **(Reg Plan Seq No. 18)**.	0584–AE25

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FOOD SAFETY AND INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
181	Mandatory Inspection of Fish of the order Siluriformes and Products Derived From Such Fish **(Reg Plan Seq No. 21)**.	0583–AD36

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FOOD SAFETY AND INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
182	Change in Accredited Lab Fees	0583–AD55

FOREST SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
183	Management of Surface Activities Associated With Outstanding Mineral Rights on National Forest System Lands.	0596–AD03

FOREST SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
184	Ski Area—D Clauses: Resource and Improvement Protection, Water Facilities and Water Rights	0596–AD14

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Proposed Rule Stage

160. National Organic Program, Origin of Livestock, NOP–11–0009

Regulatory Plan: This entry is Seq. No. 1 in part II of this issue of the **Federal Register**.
RIN: 0581–AD08

161. National Organic Program, Organic Pet Food Standards

Regulatory Plan: This entry is Seq. No. 2 in part II of this issue of the **Federal Register**.
RIN: 0581–AD20

162. National Organic Program, Organic Apiculture Practice Standard, NOP–12–0063

Regulatory Plan: This entry is Seq. No. 3 in part II of this issue of the **Federal Register**.
RIN: 0581–AD31

163. • National Organic Program—Organic Aquaculture Standards

Regulatory Plan: This entry is Seq. No. 4 in part II of this issue of the **Federal Register**.
RIN: 0581–AD34

164. • Exemption of Producers and Handlers of Organic Products From Assessment Under a Commodity Promotion Law

Regulatory Plan: This entry is Seq. No. 5 in part II of this issue of the **Federal Register**.
RIN: 0581–AD37

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

165. • User Fees for 2014 Crop Cotton Classification Services to Growers

Legal Authority: 7 U.S.C. 471 to 476
Abstract: The Department is required to announce the adjusted fee by June 1 each year, and it must be set at a sufficient level to recover the full costs of providing services. To meet the mandate that cotton growers pay a uniform fee that truly covers USDA's estimated cost of providing grading services, revenues and costs associated with classification services that will be provided during the 2014 crop year must be estimated. The user fee represents less than 1 percent of the average value of a bale of cotton, the cotton classing user fee has remained the same since 2009, and the publication of user fee adjustments over the past 10 years has generated no significant public comment.

Timetable:

Action	Date	FR Cite
Final Rule	05/14/14	79 FR 27479
Final Rule Effective.	07/01/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Darryl W. Earnest, Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW., Room 2639—South Building, Washington, DC 20250, *Phone:* 202 720–3193, *Fax:* 202 690–1718, *Email:* *darryl.earnest@usda.gov..*

RIN: 0581–AD35

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

166. Introduction of Organisms and Products Altered or Produced Through Genetic Engineering

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 31 U.S.C. 9701

Abstract: This rulemaking will amend the regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms. This rule will affect persons involved in the importation, interstate movement, or release into the environment of genetically engineered plants and certain other genetically engineered organisms.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement.	01/23/04	69 FR 3271
Comment Period End.	03/23/04	
Notice of Availability of Draft Environmental Impact Statement.	07/17/07	72 FR 39021
Comment Period End.	09/11/07	
NPRM	10/09/08	73 FR 60007
NPRM Comment Period End.	11/24/08	
Correction	11/10/08	73 FR 66563
NPRM Comment Period Reopened.	01/16/09	74 FR 2907
NPRM Comment Period End.	03/17/09	
NPRM; Notice of Public Scoping Session.	03/11/09	74 FR 10517
NPRM Comment Period Reopened.	04/13/09	74 FR 16797
NPRM Comment Period End.	06/29/09	
NPRM; Withdrawal.	11/00/14	
NPRM; Withdrawal Effective.	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Huberty, Branch Chief, Regulatory and Environmental Analysis, BRS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 146, Riverdale, MD 20737–1236, *Phone:* 301 851–3880.

RIN: 0579–AC31

167. Scrapie in Sheep and Goats

Legal Authority: 7 U.S.C. 8301 to 8317
Abstract: This rulemaking would amend the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks. It would simplify, reduce, or remove certain recordkeeping requirements. This action would provide designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. It would also make the identification and recordkeeping requirements for goat

owners consistent with those for sheep owners. These changes would affect sheep and goat producers and State governments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	
NPRM Comment Period End.	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diane Sutton, National Scrapie Program Coordinator, Ruminant Health Programs, NCAHP, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737–1235, *Phone:* 301 851–3509.

RIN: 0579–AC92

168. Plant Pest Regulations; Update of General Provisions

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 2260; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8817; 19 U.S.C. 136; 21 U.S.C. 111; 21 U.S.C. 114a; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332

Abstract: We are proposing to revise our regulations regarding the movement of plant pests. We are proposing to regulate the movement of not only plant pests, but also biological control organisms and associated articles. We are proposing risk-based criteria regarding the movement of biological control organisms, and are proposing to establish regulations to allow the movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. We are also proposing to revise our regulations regarding the movement of soil and to establish regulations governing the biocontainment facilities in which plant pests, biological control organisms, and associated articles are held. This proposed rule replaces a previously published proposed rule, which we are withdrawing as part of this document. This proposal would clarify the factors that would be considered when assessing the risks associated with the movement of certain organisms, facilitate the movement of regulated organisms and articles in a manner that also protects U.S. agriculture, and address gaps in the current regulations.

Timetable:

Action	Date	FR Cite
Notice of Intent To Prepare an Environmental Impact Statement.	10/20/09	74 FR 53673
Notice Comment Period End.	11/19/09	
NPRM	04/00/15	
NPRM Comment Period End.	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shirley Wager-Page, Chief, Pest Permitting Branch, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737–1236, *Phone:* 301 851–2323.

RIN: 0579–AC98

169. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would amend the bovine spongiform encephalopathy (BSE) and scrapie regulations regarding the importation of live sheep, goats, and wild ruminants and their embryos, semen, products, and byproducts. The proposed scrapie revisions regarding the importation of sheep, goats, and susceptible wild ruminants for other than immediate slaughter are similar to those recommended by the World Organization for Animal Health in restricting the importation of such animals to those from scrapie-free regions or certified scrapie-free flocks.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	
NPRM Comment Period End.	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Merrill, Assistant Director, Technical Trade Services, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

RIN: 0579–AD10

170. Brucellosis and Bovine Tuberculosis; Update of General Provisions

Regulatory Plan: This entry is Seq. No. 9 in part II of this issue of the **Federal Register**.

RIN: 0579–AD65

171. Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables

Regulatory Plan: This entry is Seq. No. 10 in part II of this issue of the **Federal Register**.

RIN: 0579–AD71

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

172. Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking will amend the regulations concerning the importation of animals and animal products to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence in commercial birds or poultry of highly pathogenic avian influenza of any subtype. This action will supplement existing prohibitions and restrictions on articles from regions that have reported the presence of Newcastle disease or highly pathogenic avian influenza subtype H5N1.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/24/11	76 FR 4046
Interim Final Rule Comment Period End.	03/25/11	
Interim Final Rule Comment Period Reopened.	05/03/11	76 FR 24793
Interim Final Rule Comment Period Reopened End.	05/18/11	
Interim Final Rule Comment Period Reopened.	06/12/12	77 FR 34783
Interim Final Rule Comment Period Reopened End.	07/12/12	
Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Javier Vargas, Case Manager, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

RIN: 0579–AC36

173. Importation of Wood Packaging Material From Canada

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations for the importation of unmanufactured wood articles to remove the exemption that allows wood packaging material from Canada to enter the United States without first meeting the treatment and marking requirements of the regulations that apply to wood packaging material from all other countries. This action is necessary in order to prevent the dissemination and spread of pests via wood packaging material from Canada.

Timetable:

Action	Date	FR Cite
NPRM	12/02/10	75 FR 75157
NPRM Comment Period End.	01/31/11	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Tyrone Jones, Trade Director, Forestry Products, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1231, *Phone:* 301 851–2344.

RIN: 0579–AD28

174. Importation of Beef From a Region in Brazil

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking will amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espirito Santo, Goias, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Parana, Rio Grande do Sul, Rio de Janeiro, Rondonia, Sao Paulo, Sergipe, and Tocantis). Based on the evidence in a recent risk assessment, we have determined that fresh (chilled or frozen) beef can be safely imported from those Brazilian States, provided certain conditions are met. This action will provide for the importation of beef from the designated region in Brazil into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.

Timetable:

Action	Date	FR Cite
NPRM	12/23/13	78 FR 77370
NPRM Comment Period End.	02/21/14	
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Silvia Kreindel, Senior Staff Veterinarian, Regionalization Evaluation Services Staff, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737–1231, *Phone:* 301 851–3313.

RIN: 0579–AD41

175. Treatment of Firewood and Spruce Logs Imported From Canada.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations to require firewood of all species imported from Canada, including treated lumber (furniture scraps) sold as kindling, and all spruce logs imported from Nova Scotia to be heat-treated and to be accompanied by either a certificate of treatment or an attached commercial treatment label. This action is necessary on an immediate basis to prevent the artificial spread of pests, including emerald ash borer, Asian longhorned beetle, gypsy moth, European spruce bark beetle, and brown spruce longhorn beetle to noninfested areas of the United States and to prevent further introduction of these pests into the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/15	
Interim Final Rule Comment Period End.	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Tyrone Jones, Trade Director, Forestry Products, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1231, *Phone:* 301 851–2344.

RIN: 0579–AD60

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

176. Importation of Live Dogs

Legal Authority: 7 U.S.C. 2148

Abstract: We are amending the regulations to implement an amendment to the Animal Welfare Act (AWA). The Food, Conservation, and Energy Act of 2008 added a new section to the AWA to restrict the importation of certain live dogs. Consistent with this amendment, this rule prohibits the importation of dogs, with limited exceptions, from any part of the world into the continental United States or Hawaii for purposes of resale, research, or veterinary treatment, unless the dogs are in good health, have received all necessary vaccinations, and are at least 6 months of age. This action is necessary to implement the amendment to the AWA and will help to ensure the welfare of imported dogs.

Completed:

Reason	Date	FR Cite
Final Rule	08/18/14	79 FR 48653
Final Rule Effective.	11/17/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gerald Rushin, *Phone:* 301 851–3740.

RIN: 0579–AD23

177. • Importation of Female Squash Flowers From Israel Into the Continental United States

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking amends the regulations governing the importation of fruits and vegetables to allow the importation of female squash flowers from Israel into the continental United States. As a condition of entry, female squash flowers from Israel will be subject to a systems approach that includes requirements for pest exclusion at the production site and fruit fly trapping and monitoring. The female squash flowers must also be accompanied by a phytosanitary certificate issued by the national plant protection organization of Israel with an additional declaration that the female squash flowers have been inspected and found free of quarantine pests. This action allows for the importation of female squash flowers from Israel into the continental United States while continuing to provide protection against the introduction of quarantine pests.

Timetable:

Action	Date	FR Cite
NPRM	05/02/13	78 FR 25620
NPRM Comment Period End.	07/01/13	
Final Rule	06/05/14	79 FR 32433
Final Rule Effective.	07/07/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: George Balady, Senior Regulatory Policy Specialist, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, *Phone:* 301 851–2240.

RIN: 0579–AD72

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Rural Housing Service (RHS)

178. Guaranteed Single-Family Housing

Legal Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480

Abstract: The Guaranteed Single-Family Housing Loan Program interim final rule encourages new residential construction in rural areas. The new rule provides for a ''construction-to-permanent financing'' process. Lenders will be able to obtain a loan note guarantee when construction commences, in a ''single close'' transaction, rather than first obtaining short-term construction financing and then later obtaining the guaranteed loan. The new rule streamlines the financing of building new homes. The interim final rule also expands the types of lenders who are eligible to participate, increasing the reach of the program to small community banks in remote areas and to credit unions with memberships who are teachers as well as other groups. The rule change will allow participation by any lending entity supervised and regulated by the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Federal Reserve Banks, or the Federal Housing Finance Board. Currently, these entities may not be eligible lenders.

Timetable:

Action	Date	FR Cite
NPRM	10/28/11	76 FR 66860
NPRM Comment Period End.	12/27/11	
Interim Final Rule	12/09/13	78 FR 73927
Interim Final Rule Effective.	12/01/14	
Final Rule	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joaquin Tremols, Acting Director, Single-Family Housing Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW., STOP 0784, Washington, DC 20250, *Phone:* 202 720–1465, *Fax:* 202 205–2476, *Email: joaquin.tremols@wdc.usda.gov.*

RIN: 0575–AC18

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Proposed Rule Stage

179. Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010

Regulatory Plan: This entry is Seq. No. 15 in part II of this issue of the **Federal Register**.

RIN: 0584–AE18

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Final Rule Stage

180. Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010

Regulatory Plan: This entry is Seq. No. 18 in part II of this issue of the **Federal Register**.

RIN: 0584–AE25

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Completed Actions

181. Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish

Regulatory Plan: This entry is Seq. No. 21 in part II of this issue of the **Federal Register**.

RIN: 0583–AD36

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

182. Change in Accredited Lab Fees

Legal Authority: 21 U.S.C. 601, *et seq.*; 21 U.S.C. 451, *et seq.*; 7 U.S.C. 138

Abstract: The Food Safety Inspection Service (FSIS) proposed to amend its regulations to change the fees it charges for the accreditation and the maintenance of accreditation of non-Federal laboratories for the FSIS Accredited Lab Program (ALP). Currently, the Agency charges a flat annual fee of $5,000 for each accreditation or maintenance of accreditation. Laboratories that participate in FSIS' ALP can receive accreditation in one to six analyte classes. FSIS proposed to charge laboratories $5,000 per year for the first analyte class accreditation or maintenance (as it currently does), but to reduce the charges to $2,900 per year for the second, and $2,100 per year for each additional analyte class accreditation or maintenance of accreditation.

Completed:

Reason	Date	FR Cite
NPRM	04/21/14	79 FR 22052
Final Action	09/19/14	79 FR 56235
Final Action Effective.	11/18/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Williams, *Phone:* 202 720–5627, *Fax:* 202 690–0486, *Email: charles.williams@fsis.usda.gov.*

RIN: 0583–AD55

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Proposed Rule Stage

183. Management of Surface Activities Associated With Outstanding Mineral Rights on National Forest System Lands

Legal Authority: EPA 1992

Abstract: Close to 11,000,000 acres (approximately 6 percent) of National Forest System (NFS) lands overlie severed (split) mineral estates owned by a party other than the Federal Government. Over 75 percent of these lands are in the Eastern Region (Forest Service Regions 8 and 9). There are two kinds of severed mineral estates, generally known as ''private rights'': reserved and outstanding. Reserved mineral rights are those retained by a grantor in a deed conveying land to the United States. Outstanding mineral rights are those owned by a party other than the surface owner at the time the surface was conveyed to the United States. Because these are non-Federal mineral interests, the U.S. Department of Interiors Bureau of Land Management has no authority for or role in managing development activities associated with such interests. States have the authority and responsibility for regulating development of the private mineral estate.

Various Secretary's Rules and Regulations (years of 1911, 1937, 1938, 1939, 1947, 1950, and 1963) and Forest Service regulations at 36 CFR 251.15 provide direction for the use of NFS lands for mineral development activities associated with the exercise of reserved mineral rights. These existing rules for reserved minerals development activities also include requirements for protection of NFS resources.

Currently, there are no formal regulations governing the use of NFS lands for activities associated with the exercise of outstanding mineral rights underlying those lands. The Energy Policy Act of 1992, section 2508, directed the Secretary of Agriculture to: apply specified terms and conditions to surface-disturbing activities related to development of oil and gas on certain lands with outstanding mineral rights on the Allegheny National Forest, and promulgate regulations implementing that section.

The Forest Service initiated rulemaking for the use of NFS lands for development activities associated with both reserved and outstanding minerals rights with an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 29, 2008. Comments from the public in response to the ANPRM conveyed a high level of concern about the broad scope of the rule, along with a high level of concern about effects of a broad rule on small businesses and local economies.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/08	73 FR 79424
ANPRM Comment Period End.	02/27/09	
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LaRenda C. King, Assistant Director, Directives and Regulations, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250–0003, *Phone:* 202 205–6560, *Email: larendacking@fs.fed.us.*

RIN: 0596–AD03

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Final Rule Stage

184. Ski Area—D Clauses: Resource and Improvement Protection, Water Facilities and Water Rights

Legal Authority: FSH 2709.11

Abstract: On November 8, 2011, the Forest Service issued an interim directive (FSH 2709.11–2011–3) including a revised clause to address the ownership of water rights developed on National Forest System (NFS) lands for use by ski area permit holders. On March 6, 2012, a second interim directive (FSH 2709.11–2012–1) for the revised ski area water rights clause was issued, superseding the 2011 version. The National Ski Areas Association filed a lawsuit in the United States District Court for the District of Colorado on March 12, 2012, opposing use of the revised clause. On December 19, 2012, the court ruled that the Forest Service had erred in not providing an opportunity for notice and comment on the interim directive and that the agency needed to conduct a Regulatory Flexibility Act analysis of the impact of the directive on small business entities that hold ski area permits. The court vacated the interim directive and enjoined enforcement of the 2011 and 2012 clauses in permits containing them.

The proposed directive would address the development of water facilities on NFS lands; the ownership of preexisting and future water rights; mechanisms to ensure sufficient water remains for ski areas on NFS lands; and measures necessary to protect NFS lands and resources.

The Forest Service published the proposed ski area water rights clause in the **Federal Register** for public notice and comment. To identify interests and views from a diverse group of stakeholders regarding a revised water rights clause for ski areas, the Forest Service held four stakeholder meetings in April 2013. The input from the stakeholder sessions will be considered in the development of a final water rights clause for ski areas.

Timetable:

Action	Date	FR Cite
Proposed Directive.	06/23/14	79 FR 35513
Proposed Directive Comment Period End.	08/22/14	
Final Directive	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LaRenda C. King, Assistant Director, Directives and Regulations, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250–0003, *Phone:* 202 205–6560, *Email: larendacking@fs.fed.us.*

RIN: 0596–AD14

[FR Doc. 2014–28928 Filed 12–19–14; 8:45 am]

BILLING CODE 3410–11–P

FEDERAL REGISTER

Vol. 79 Monday,
No. 245 December 22, 2014

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Fall 2014 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 2014 agenda. The purpose of the agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The agenda is intended to facilitate comments and views by interested members of the public.

Commerce's fall 2014 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2014, through September 30, 2015.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its fall 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of August 25, 2014, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2014 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities, and a list that identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In this edition of Commerce's regulatory agenda, a list of the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, Commerce's entire Regulatory Plan will continue to be printed in the **Federal Register.**

Within Commerce, the Office of the Secretary and various operating units may issue regulations. These operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office, issue the greatest share of Commerce's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS' programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce's fall 2014 regulatory agenda follows.

Kelly R. Welsh,
General Counsel.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
185	Inner Limit of the Exclusive Economic Zone under the Magnuson-Stevens Fishery Conservation and Management Act.	0648–BC92

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
186	Requirements for Importation of Fish and Fish Product under the U.S. Marine Mammal Protection Act **(Reg Plan Seq No. 33)**.	0648–AY15
187	Atlantic Highly Migratory Species; Future of the Atlantic Shark Fishery	0648–BA17
188	Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–BA53
189	Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18; Essential Fish Habitat Descriptions for Pacific Salmon.	0648–BC95
190	Amendment 5b to the Highly Migratory Species Fishery Management Plan	0648–BD22
191	Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BD25
192	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
193	Amendment 45 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crab Freezer Longline Catcher/Processor Pacific Cod Sideboard Removal.	0648–BD61
194	Red Snapper Allocation—Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico **(Section 610 Review)**.	0648–BD68
195	Amendment 7 to the FMP for the Dolphin Wahoo Fishery of the Atlantic and Amendment 33 to the FMP for the Snapper-Grouper Fishery of the South Atlantic.	0648–BD76
196	Regulatory Amendment 16 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BD78
197	Amendment 20B to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region.	0648–BD86
198	Modify the Fisheries Financing Program to allow the Financing of New Replacement Fishing Vessel Construction in Limited Access Fisheries.	0648–BE15
199	Comprehensive Amendment to the U.S. Caribbean Fishery Management Plans: Annual Catch Limit Control Rule.	0648–BE28
200	Abrir La Sierra Bank, Bajo de Sico, and Tourmaline Bank Consistency Amendment	0648–BE32
201	Regulatory Amendment to Change the Definition of Sport Fishing Guide Services for Pacific Halibut in International Pacific Halibut Commission Area 2C and Area 3A.	0648–BE41
202	Framework Action to Revise Recreational Accountability Measures for Red Snapper	0648–BE44
203	Rule for Amendment 16 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters.	0648–BE46
204	Amendment 40 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BE47
205	2015 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries.	0648–BE49
206	Designation of Critical Habitat for the North Atlantic Right Whale **(Reg Plan Seq No. 34)**	0648–AY54
207	Revision of Hawaiian Monk Seal Critical Habitat **(Reg Plan Seq No. 35)**	0648–BA81
208	Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment	0648–BC45
209	Designation of Critical Habitat for the Arctic Ringed Seal	0648–BC56
210	Revisions to Hawaiian Islands Humpback Whale National Marine Sanctuary Regulations	0648–BD97

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
211	Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico **(Reg Plan Seq No. 37)**.	0648–AS65
212	Addendum IV to the Weakfish Interstate Management Plan—Bycatch Trip Limit	0648–AY41
213	Implement the 2010 Shark Conservation Act Provisions and Other Regulations in the Atlantic Smoothhound Shark Fishery.	0648–BB02
214	Amendment 7 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan	0648–BC09
215	Amendment 43 to the FMP for BSAI King and Tanner Crabs and Amendment 103 to the FMP for Groundfish of the BSAI.	0648–BC34
216	Pacific Coast Groundfish Trawl Rationalization Program Trailing Action: Rule to Modify Chafing Gear Regulations for Midwater Trawl Gear Used in the Pacific Coast Groundfish Fishery.	0648–BC84
217	Codifying the Initial Vessel Monitoring System Type-Approval Process and Requirements, and the Recertification and Revocation Processes.	0648–BD02
218	Regulatory Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BD07
219	Amendment 105 Bering Sea Flatfish Harvest Specifications Flexibility	0648–BD23

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
220	Pacific Coast Groundfish Trawl Rationalization Program Trailing Actions: Permitting Requirements for Observer and Catch Monitor Providers.	0648–BD30
221	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions regarding the Oceanic Whitetip Shark, the Whale Shark, and the Silky Shark.	0648–BD44
222	Southern New England Effort Controls to Address Lobster Stock Rebuilding Measures	0648–BD45
223	Amendment 97 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Establish Chinook Salmon Prohibited Species Catch Limits for the Non-Pollock Trawl Fisheries.	0648–BD48
224	Implementation of the Inter-American Tropical Tuna Commission Resolution to Establish a Vessel Monitoring System Program in the Eastern Pacific Ocean.	0648–BD54
225	South Atlantic Coastal Migratory Pelagics Framework Action 2013 **(Section 610 Review)**	0648–BD58
226	Information Collection Program for Atlantic Surfclam and Ocean Quahog Fisheries	0648–BD64
227	Amendment 96 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to revise the Community Quota Entity Program.	0648–BD74
228	Amendment 8 to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region.	0648–BD81
229	Temporary Rule Through Emergency Action to Revise Annual Catch Limits and Accountability Measures for Blueline Tilefish and the Deep-Water Complex in the South Atlantic Region.	0648–BD87
230	Amendment 100 to the FMP for Groundfish of the BSAI Management Area and Amendment 91 to the FMP for Groundfish of the Gulf of Alaska to add Grenadiers to the Ecosystem Component Category.	0648–BD98
231	Implementation of a Gulf of Alaska Trawl Fishery Economic Data Collection Program	0648–BE09
232	Amendment and Updates to the Bottlenose Dolphin Take Reduction Plan	0648–BB37
233	Designation of Critical Habitat for the Distinct Population Segments of Yelloweye Rockfish, Canary Rockfish, and Bocaccio.	0648–BC76

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
234	Comprehensive Fishery Management Plan for Puerto Rico	0648–BD32
235	Comprehensive Fishery Management Plan for St. Croix	0648–BD33
236	Comprehensive Fishery Management Plan for St. Thomas/St. John	0648–BD34
237	Marine Mammal Protection Act Permit Regulation Revisions	0648–AV82
238	Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead.	0648–BB30
239	Designation of Critical Habitat for the Beringia Distinct Population Segment of the Bearded Seal	0648–BC55

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
240	American Lobster Fishery; Fishing Effort Control Measures to Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission.	0648–AT31
241	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure.	0648–AV53
242	Amendment 6 to the Monkfish Fishery Management Plan	0648–BA50
243	Generic Amendment to Several Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions to Modify Federally-Permitted Seafood Dealer Reporting Requirements.	0648–BC12
244	Georges Bank Yellowtail Flounder Emergency Action to Provide a Partial Exemption from Accountability Measures to the Atlantic Scallop Fishery.	0648–BC33
245	Modification to the Hired Skipper Regulations for Management of the Individual Fishing Quota Program for the Fixed-Gear Commercial Fisheries for Pacific Halibut and Sablefish in Waters of Alaska.	0648–BC62
246	Amendment 3 to the Spiny Dogfish Fishery Management Plan	0648–BC77
247	Amendment 5 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic	0648–BD08
248	Allowing Northeast Multispecies Sector Vessels Access to Year Round Closed Areas	0648–BD09
249	Pacific Coast Groundfish Trawl Rationalization Program; Second Program Improvement and Enhancement Rule.	0648–BD31
250	Modifications to the Pacific Coast Groundfish Trawl Rockfish Conservation Area Boundaries	0648–BD37
251	Framework Adjustment 8 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan	0648–BD50
252	Implementation of the Inter-American Tropical Tuna Commission Resolution for the Conservation of Whale Sharks and the Collection and Analyses of Data on Fish Aggregating Devices.	0648–BD53
253	Implementation of the Inter-American Tropical Tuna Commission Resolution to Adopt Conservation and Management Measures for Pacific Bluefin Tuna in the Eastern Pacific Ocean.	0648–BD55
254	Framework Adjustment 8 to the Monkfish Fishery Management Plan	0648–BD56
255	2014 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries.	0648–BD65
256	Modifications to Identification Markings on Fishing Gear Marker Buoys	0648–BD66

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
257	Pacific Coast Whiting Fishery for 2014	0648–BD75
258	Pacific Halibut Fisheries; Catch Sharing Plan	0648–BD82
259	Amendment 20A to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region.	0648–BD83
260	Framework Adjustment 51 to the Northeast Multispecies Fishery Management Plan	0648–BD88
261	Framework Adjustment 2 to the Northeast Skate Complex Fishery Management Plan	0648–BD99
262	Framework Adjustment 25 to the Atlantic Sea Scallop Fishery Management Plan	0648–BE07
263	Pacific Coast Groundfish Trawl Rationalization Program; Correction to the 2014 Shorebased Trawl Allocation Table.	0648–BE14
264	2014 Summer Flounder, Scup, and Black Sea Bass Recreational Harvest Measures	0648–BE16
265	2014–2015 Spiny Dogfish Specifications	0648–BE17
266	Amending the Atlantic Large Whale Take Reduction Plan	0648–BC90
267	Designation of Critical Habitat for the Northwest Atlantic Ocean Loggerhead Sea Turtle DPS and the Determination Regarding Critical Habitat for the North Pacific Ocean Loggerhead DPS.	0648–BD27

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Prerule Stage

National Marine Fisheries Service

185. Inner Limit of the Exclusive Economic Zone Under the Magnuson-Stevens Fishery Conservation and Management Act

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

Abstract: This action would define the term ''inner limit of the exclusive economic zone'' under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The MSA establishes sovereign rights and exclusive management authority over fishery resources of the U.S. Exclusive Economic Zone. The inner limit of the Exclusive Economic Zone is described as a line coterminous with the seaward boundary of each of the coastal states. National Marine Fisheries Service (NMFS), as well as the U.S. Coast Guard and state partners, enforce Federal fishery regulations on the basis of the 3 nautical mile line as it is represented on National Oceanic and Atmospheric Administration (NOAA) charts. The use of 3 nautical mile line has caused confusion when NOAA charts are updated because the baseline for establishing this line is ambulatory. NMFS proposes to clarify/correct this by defining this seaward boundary line to be a line established pursuant to the Submerged Lands Act.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone*: 301 713–2334, *Fax*: 301 713–0596, *Email*: *alan.risenhoover@noaa.gov*.

RIN: 0648–BC92

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

186. Requirements for Importation of Fish and Fish Product Under the U.S. Marine Mammal Protection Act

Regulatory Plan: This entry is Seq. No. 33 in part II of this issue of the **Federal Register**.

RIN: 0648–AY15

187. Atlantic Highly Migratory Species; Future of the Atlantic Shark Fishery

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

Abstract: The National Marine Fisheries Service is considering adjusting the regulations governing the U.S. Atlantic shark fishery to address current fishery issues and to identify specific shark fishery goals for the future. This action will discuss potential changes to the quota and/or permit structure that are currently in place for the Atlantic shark fishery, and various catch share programs such as limited access privilege programs, individual fishing quotas, and sectors for the Atlantic shark fishery.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/10	75 FR 57235
ANPRM Comment Period End.	01/14/11	
Notice	05/27/14	79 FR 30064
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax*: 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BA17

188. Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

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

Abstract: The red snapper stock in the South Atlantic was assessed through the Southeast, Data, Assessment, and Review process in 2008 and 2010. The assessments indicate that the stock is experiencing overfishing and is overfished. As a result of the 2008 assessment, fishing for red snapper has been prohibited in Federal waters off the south Atlantic states since January 4, 2010. In Amendment 22, the National Marine Fisheries Service and the South Atlantic Fishery Management Council are considering alternatives to change the current harvest restrictions on red snapper as the stock increases in biomass. Examples of measures under consideration include the implementation of red snapper trip limits, bag limits, a catch share program, tag program, temporal and spatial closures including those to protect spawning stocks, and gear prohibitions.

Timetable:

Action	Date	FR Cite
Notice of Intent	01/03/11	76 FR 101
Notice of Intent Comment Period End	02/14/11	
NPRM	09/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone*: 727 824–5305, *Fax*: 727 824–5308, *Email*: *roy.crabtree@noaa.gov*.

RIN: 0648–BA53

189. Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18; Essential Fish Habitat Descriptions for Pacific Salmon

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

Abstract: The action would implement Amendment 18 to the Pacific Coast Salmon Fishery Management Plan. The purpose of the amendment is to address revisions to the Pacific coast salmon essential fish habitat provisions under the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
Notice	06/16/14	79 FR 34272
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone*: 206 526–6150.

RIN: 0648–BC95

190. Amendment 5B to the Highly Migratory Species Fishery Management Plan

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

Abstract: This rulemaking would propose management measures for dusky sharks, based on a recent stock assessment, taking into consideration comments received on the proposed rule and Amendment 5 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. This rulemaking could consider a range of commercial and recreational management measures in both directed and incidental shark fisheries including, among other things, gear modifications, time/area closures, permitting, shark identification requirements, and reporting requirements. NMFS determined that dusky sharks are still overfished and still experiencing overfishing and originally proposed management measures to end overfishing and rebuild dusky sharks in a proposed rule for Draft Amendment 5 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. That proposed rule also contained management measures for scalloped hammerhead, sandbar, blacknose and Gulf of Mexico blacktip sharks. NMFS decided to move forward with Draft Amendment 5's management measures for scalloped hammerhead, sandbar, blacknose and Gulf of Mexico blacktip sharks in a final rule and final amendment that will now be referred to as ''Amendment 5a'' to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. Dusky shark management measures will be addressed in this separate, but related, action and will be referred to as ''Amendment 5b.''

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BD22

191. Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

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

Abstract: The purpose of this action is to facilitate management of the recreational red snapper component in the reef fish fishery by reorganizing the federal fishery management strategy to better account for biological, social, and economic differences among the regions of the Gulf of Mexico. Regional management would enable regions and their associated communities to specify the optimal management parameters that best meet the needs of their local constituents thereby addressing regional socio-economic concerns.

Timetable:

Action	Date	FR Cite
Notice	05/13/13	78 FR 27956
Next State Undetermined.	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD25

192. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require a Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. The rule is neither applicable to troll and pole-and-line vessels, nor to vessels that transship fresh fish at sea. The frequency of transshipments in the Eastern Pacific Ocean is uncertain, but only a few transshipments are expected annually. A similar rule was adopted in the Western and Central Pacific Ocean and NMFS calculated that an average of twenty-four at-sea transshipments of fish caught by longline gear there have occurred annually from 1993 through 2009. Transshipments in the Eastern Pacific Ocean are likely to be much less than twenty-four per year. This rule is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD59

193. Amendment 45 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crab Freezer Longline Catcher/Processor Pacific Cod Sideboard Removal

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

Abstract: This rule would establish conditions for the removal of Gulf of Alaska Pacific cod catch limits, known as sideboards, which apply to some catcher/processor vessels using hook-and-line gear, also known as freezer longliners. The newly reorganized sideboard limits have effectively eliminated the ability of these stakeholders to participant in these Gulf of Alaska fisheries. The rule would remove the Gulf of Alaska Pacific cod sideboards from 6 freezer longline vessels if owners of vessels endorsed to catch and process Pacific cod in the Western Gulf of Alaska, Central Gulf of Alaska, or both (a total of 9 vessels) agree to removal of the sideboards, within one year from the effective date of a final rule. If an agreement is not reached by the deadline, the sideboarded vessels would not be able to participate in the Gulf of Alaska fisheries. The requirement for an agreement is intended to promote cooperation among all affected parties prior to the removal of sideboards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BD61

194. Red Snapper Allocation—Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Section 610 Review)

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

Abstract: The current allocation of red snapper between the commercial and recreational sectors is 51:49 percent, respectively. The Gulf of Mexico Fishery Management Council (Council) is considering a change in the allocation with the aim of increasing the net benefits from red snapper fishing and increasing the stability of the red snapper component of the reef fish fishery, particularly for the recreational sector which has experienced shorter and shorter seasons. The Council initially considered options that increased the commercial sectors allocation above the current 51 percent. However, after considering the economic analyses conducted by the Southeast Fisheries Science Center and the loss of fishing opportunities by the recreational sector, the Council concluded that such a reallocation would not meet the purpose and need of this action. Therefore, the Council has limited the options under consideration to those that would increase the recreational sectors allocation above 49 percent.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD68

195. Amendment 7 to the FMP for the Dolphin Wahoo Fishery of the Atlantic and Amendment 33 to the FMP for the Snapper-Grouper Fishery of the South Atlantic

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

Abstract: The intent of this amendment is to make regulations for dolphin and wahoo consistent with those existing regulations for snapper-grouper species. Amendment 7 to the Dolphin Wahoo Fishery Management Plan would allow fishermen to bring fillets of dolphin and wahoo from the Bahamas into the U.S. exclusive economic zone, as regulations already allow fillets of snapper-grouper species to be brought from the Bahamas into the U.S. exclusive economic zone. This rule would allow fishermen to bring fillets of dolphin and wahoo into the U.S. exclusive economic zone that were lawfully harvested in Bahamian waters, provided valid Bahamian fishing and cruising permits are on board the vessel, and the vessel is in transit through the Atlantic exclusive economic zone.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD76

196. Regulatory Amendment 16 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

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

Abstract: Regulatory Amendment 16 contains an action to address the prohibition on the use of black sea bass pots annually from November 1 through April 30 that was implemented through Regulatory Amendment 19. The prohibition was a precautionary measure to prevent interactions between black sea bass pot gear and whales listed under the Endangered Species Act during large whale migrations and the right whale calving season off the southeastern coast. The South Atlantic Fishery Management Council, through Regulatory Amendment 16, is considering removal of the closure, changing the length of the closure, and changing the area of the closure. The goal is to minimize adverse socio-economic impacts to black sea bass pot endorsement holders while maintaining protection for Endangered Species Act-listed whales in the South Atlantic region.

Timetable:

Action	Date	FR Cite
NPRM	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD78

197. • Amendment 20B to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region

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

Abstract: This rule would adjust trip limits and fishing seasons for zones and subzones of the Gulf migratory group king mackerel. It would also allow transit of vessels with king mackerel on board through areas closed to king mackerel fishing, and would divide the annual catch limit for Atlantic migratory group king and Spanish mackerel into zones. Futhermore, the action addresses the results of the most recent stock assessment for cobia, and divides the annual catch limit into zones. The need for the proposed action is to achieve optimum yield while ensuring regulations are fair and equitable, and fishery resources are utilized efficiently.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD86

198. • Modify the Fisheries Financing Program to Allow the Financing of New Replacement Fishing Vessel Construction in Limited Access Fisheries

Legal Authority: 16 U.S.C. 4101; 46 U.S.C. 53701

Abstract: This rulemaking will propose to amend the Fisheries Finance Program's regulations to allow the financing of new vessel construction and rehabilitation of existing vessels in limited access fisheries. This rule is intended to implement the authority provided by Congress, as well as additional lending authority of $41 million in 2014, to support efforts to recapitalize the fishing fleets in limited access fisheries.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/14	79 FR 36699
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Rivelli, Acting Director, Office of Management and Budget, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Hwy, Silver Spring, MD 20910, *Phone:* 301 327–8795.

RIN: 0648–BE15

199. • Comprehensive Amendment to the U.S. Caribbean Fishery Management Plans: Annual Catch Limit Control Rule

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

Abstract: The purpose of this comprehensive amendment is to establish a control rule to modify the buffer reduction that is applied to the overfishing limit or to the acceptable biological catch (if specified) to derive an annual catch limit in response to changes in the overfishing status of any U.S. Caribbean fishery management unit. The annual catch limit control rule would apply a specific buffer reduction based on the current status of the fishery management unit as determined by the National Marine Fisheries Service. The proposed rule implementing this action would apply a 15% buffer reduction to the overfishing limit or to the acceptable biological catch for units determined to be subject to overfishing, and a 10% buffer reduction to the overfishing limit or the acceptable biological catch for units determined not to be subject to overfishing in a specific year. Specific units would be exempted from the application of the control rule and buffer reductions established for those units in the 2010 and 2011 Caribbean annual catch limit Amendments would continue to be applied. Establishing this control rule would provide for a new and straightforward process that would allow for annual catch limit revisions based on overfishing status.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BE28

200. • Abrir La Sierra Bank, Bajo De Sico, and Tourmaline Bank Consistency Amendment

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

Abstract: The regulatory amendment would establish consistent regulations among three management areas off the west coast of Puerto Rico (Abrir la Sierra Bank, Bajo de Sico, Tourmaline Bank). Regulations differ among these areas within federal waters, as well as between state and federal boundaries for the two areas (Tourmaline Bank and Bajo de Sico) that cross the two jurisdictions. The purpose of this amendment is to establish consistent federal regulations across the three areas, while ensuring adequate protection of spawning aggregations of reef fish and the benthic habitat supporting those aggregations, which also serves as residential, recruitment, and foraging habitat for a variety of species. The proposed action would: Modify the length of the seasonal closures; modify reef fish, spiny lobster, and highly migratory species fishing regulations; modify anchoring restrictions; and modify spearfishing prohibitions within the management areas.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BE32

201. • Regulatory Amendment To Change the Definition of Sport Fishing Guide Services for Pacific Halibut in International Pacific Halibut Commission Area 2C and Area 3A

Legal Authority: 16 U.S.C. 773 *et seq.*

Abstract: NMFS proposes regulations that would revise Federal regulatory text regarding sport fishing guide services for Pacific halibut in International Pacific Halibut Commission Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska) to remove the requirement that a charter vessel guide be on board the same vessel as a charter vessel angler to provide sport fishing guide services. The proposed action would clarify that all sport fishing in which anglers receive assistance from a compensated guide will be managed under charter fishery regulations and all harvest will accrue toward charter allocations. This action would align Federal regulations with State of Alaska regulations. If approved, the definition of ''sport fishing guide services'' would

be revised and a definition for ''compensation'' would be added to Federal regulations. Additional minor changes to the regulatory text pertaining to the charter halibut fishery would be required to maintain consistency in the regulations with these new definitions. This action is necessary to achieve the halibut fishery management goals of the North Pacific Fishery Management Council.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BE41

202. • Framework Action To Revise Recreational Accountability Measures for Red Snapper

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

Abstract: To address the court ruling in Guindon v. Pritzker, (Mar. 26, 2014), the Gulf of Mexico Fishery Management Council developed this framework action that evaluates two accountability measures for the recreational red snapper sector. The first recreational accountability measure action would establish an annual catch target that is lower than the quota/annual catch limit and set the recreational season length based on the annual catch target. Currently, the season length is set based on the quota/annual catch limit. The second recreational accountability measure action would establish an overage adjustment to mitigate the effects of any overage by reducing the quota/annual catch limit in the following year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BE44

203. • Rule for Amendment 16 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters

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

Abstract: The purpose of this rule is to change the annual catch limit and select an accountability measure for royal red shrimp. On January 30, 2012, NOAA Fisheries implemented regulations developed through a generic annual catch limit and accountability measure amendment to multiple fishery management plans, including the Shrimp fishery management plan. However, the ''no action'' alternatives and discussions were incorrect in stating that there were currently no management restrictions or accountability measures for that species although a quota and in-season quota closure were in the regulations. Now, the quota and in-season closure are in conflict with the subsequently established annual catch limit and accountability measure. The rule would remove the quota and in-season closure, and increase the annual catch limit. The current accountability measure, which requires in-season monitoring and closure the year following an annual catch limit overage, will remain in effect.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BE46

204. • Amendment 40 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

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

Abstract: This proposed rule would define distinct private angling and federal for-hire components of the recreational red snapper fishery and allocate red snapper resources between the components of the recreational sector to increase stability for the for-hire component; provide a basis for increased flexibility in future management of the recreational sector; and minimize the chance for recreational quota overruns which could jeopardize the rebuilding of the red snapper stock. More specifically this action would define the components of the recreational sector and establish the baseline allocation how the allocation would be adjusted if membership in the federal for-hire component is voluntary and recreational season closure provisions for each component.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BE47

205. • 2015 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries

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

Abstract: This proposed rule would establish catch levels and associated management measures for the 2015–2017 fishing years for species managed under the Atlantic Mackerel Squid and Butterfish Fishery Management Plan. More specifically this action would: renew status quo quotas on longfin and Illex squids for an additional 3 years; lower the cap on river herring and shad catch in the mackerel fishery; increase the cap on river herring and shad catch in the mackerel fishery once the mackerel fishery catches more than 10000 mt tons; lower the Atlantic mackerel quota; substantially increase the butterfish quota; and simplify the controls on butterfish daily trip limits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BE49

206. Designation of Critical Habitat for the North Atlantic Right Whale

Regulatory Plan: This entry is Seq. No. 34 in part II of this issue of the **Federal Register**.

RIN: 0648–AY54

207. Revision of Hawaiian Monk Seal Critical Habitat

Regulatory Plan: This entry is Seq. No. 35 in part II of this issue of the **Federal Register**.

RIN: 0648–BA81

208. Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment

Legal Authority: 16 U.S.C. 1533

Abstract: The proposed action, if approved, would designate critical habitat for the Hawaiian insular false killer whale distinct population segment, pursuant to section 4 of the Endangered Species Act (ESA). Proposed critical habitat would only be designated in the main Hawaiian Islands as the Hawaiian insular false killer whales range is restricted from nearshore out to 140 km from the main Hawaiian Islands. Impacts from the designation stem mainly from Federal agencies requirement to consult with National Marine Fisheries Service, under section 7 of the ESA, to insure that any action they carry out, permit (authorize), or fund will not result in the destruction or adverse modification of critical habitat of a listed species.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BC45

209. Designation of Critical Habitat for the Arctic Ringed Seal

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service (NMFS) published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The proposed critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BC56

NOS/ONMS

210. Revisions to Hawaiian Islands Humpback Whale National Marine Sanctuary Regulations

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: In 2010, the Office of National Marine Sanctuaries (ONMS) initiated a review of the Hawaiian Islands Humpback Whale National Marine Sanctuary management plan, to evaluate substantive progress toward implementing the goals for the sanctuary, and to make revisions to its management plan and regulations as necessary to fulfill the purposes and policies of the National Marine Sanctuaries Act (NMSA) and the Hawaiian Islands National Marine Sanctuary Act (HINMSA; Title II, Subtitle C, Pub. L. 102587). ONMS intends to publish a proposed rule and draft EIS that proposes to expand the scope of the sanctuary to ecosystem based management rather than concentrating on only humpback whales. In addition, possible boundary expansion will be discussed.

Timetable:

Action	Date	FR Cite
Notice	07/14/10	75 FR 40759
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Lindelof, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–3137, *Email: edward.lindelof@noaa.gov.*

RIN: 0648–BD97

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

211. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico

Regulatory Plan: This entry is Seq. No. 37 in part II of this issue of the **FEDERAL REGISTER.**

RIN: 0648–AS65

212. Addendum IV to the Weakfish Interstate Management Plan—Bycatch Trip Limit

Legal Authority: 16 U.S.C. 5101

Abstract: This action would modify management restrictions in the Federal weakfish fishery in a manner consistent with the Atlantic States Marine Fisheries Commission Interstate Plan. The proposed change would decrease the incidental catch allowance for weakfish in the exclusive economic zone in non-directed fisheries using smaller mesh sizes, from 150 pounds to no more than 100 pounds per day or trip, whichever is longer in duration. In addition, it would impose a one fish possession limit on recreational fishers.

Timetable:

Action	Date	FR Cite
NPRM	05/12/10	75 FR 26703
NPRM Comment Period End.	06/11/10	
NPRM Comment Period Re-opened.	06/16/10	75 FR 34092
Comment Period End.	06/30/10	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–AY41

213. Implement the 2010 Shark Conservation Act Provisions and Other Regulations in the Atlantic Smoothhound Shark Fishery

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

Abstract: This rule considers implementing the provisions of the 2010 Shark Conservation Act and other regulations in the Atlantic Smoothhound Fishery (which includes

smooth dogfish and the Florida smoothhound). Specifically, this action would: (1) Modify regulations for smooth dogfish as needed to be consistent with the Shark Conservation Act; (2) consider other management measures, as needed, including the terms and conditions of the Endangered Species Act Smoothhound Biological Opinion; and (3) consider revising the current smoothhound shark quota based on updated catch data.

Timetable:

Action	Date	FR Cite
NPRM	08/07/14	79 FR 46217
Final Action	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BB02

214. Amendment 7 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan

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

Abstract: Amendment 7 focuses on bluefin tuna fishery management issues consistent with the need to end overfishing and rebuild the stock. Measures in draft Amendment 7 address several of the long-standing challenges facing the fishery and will analyze, among other things, revisiting quota allocations; reducing and accounting for dead discards; adding or modifying time/area closures or gear-restricted areas; and improving the reporting and monitoring of dead discards and landings in all categories.

Timetable:

Action	Date	FR Cite
Notice	04/23/12	77 FR 24161
Notice	06/08/12	77 FR 34025
NPRM	08/21/13	78 FR 52032
NPRM Comment Period Extended.	09/18/13	78 FR 57340
Public Hearing	11/05/13	78 FR 66327
NPRM Comment Period Reopened.	12/11/13	78 FR 75327
Public Hearing	12/26/13	78 FR 78322
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BC09

215. Amendment 43 to the FMP for BSAI King and Tanner Crabs and Amendment 103 to the FMP for Groundfish of the BSAI

Legal Authority: 16 U.S.C. 1801

Abstract: This rule would implement both Amendment 43 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs and Amendment 103 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. Amendment 43 revises the current rebuilding plan for Pribilof Islands blue king crab (blue king crab) and Amendment 103 implements groundfish fishing restrictions. A no-trawl Pribilof Islands Habitat Conservation Zone (Zone) was established in 1995 and the directed fishery for blue king crab has been closed since 1999. A rebuilding plan was implemented in 2003; however, blue king crab remains overfished and the current rebuilding plan has not achieved adequate progress towards rebuilding the stock by 2014. The rule would close the Zone to all Pacific cod pot fishing in addition to the current trawl prohibition. This measure would help support blue king crab rebuilding and prevent exceeding the overfishing limit of blue king crab by minimizing to the extent practical blue king crab bycatch in the groundfish fisheries.

Timetable:

Action	Date	FR Cite
Notice	08/21/14	79 FR 49463
NPRM	08/29/14	79 FR 51520
NPRM Comment Period End.	09/29/14	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BC34

216. Pacific Coast Groundfish Trawl Rationalization Program Trailing Action: Rule To Modify Chafing Gear Regulations for Midwater Trawl Gear Used in the Pacific Coast Groundfish Fishery

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

Abstract: This action would modify the existing chafing gear regulations for midwater trawl gear, and includes housekeeping measures to clarify which vessels can use midwater trawl gear and where midwater trawl gear can be used. This action includes regulations that affect all trawl sectors (Shorebased Individual Fishing Quota Program, Mothership Cooperative Program, Catcher/Processor Cooperative Program, and tribal fishery) managed under the Pacific Coast Groundfish Fishery Management Plan.

Timetable:

Action	Date	FR Cite
NPRM	03/19/14	79 FR 15296
NPRM Correction Notice.	04/04/14	79 FR 18876
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Deputy Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Building 1, 7600 Sand Point Way NE., Seattle, WA 48115–0070, *Phone:* 206 526–6150, *Fax:* 206 526–6426, *Email: barry.thom@noaa.gov.*

William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BC84

217. Codifying the Initial Vessel Monitoring System Type-Approval Process and Requirements, and the Recertification and Revocation Processes

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

Abstract: All vessels participating in a National Oceanic and Atmospheric Administration Vessel Monitoring System program are required to acquire a National Marine Fisheries Service-approved mobile transmitting unit to comply with the Vessel Monitoring System requirements. Previously, this action was only taken through the publication of a notice in the **Federal Register**. However, this rule will establish the type-approval standards, specifications, and procedures that

vendors may reference to maintain type-approval for their products and/or services. This action will establish type-approval standards for the initial approval, subsequent assessments, and the procedures for rescinding the type-approval if the vendor fails to comply with the performance standards. This action is necessary to ensure Vessel Monitoring System vendors continue to meet minimum performance standards over the long term.

Timetable:

Action	Date	FR Cite
NPRM	09/09/14	79 FR 53386
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BD02

218. Regulatory Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

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

Abstract: The purpose of Regulatory Amendment 14 is to enhance socioeconomic benefits to fishermen and fishing communities that utilize the snapper-grouper fishery. Specifically, this rulemaking modifies the fishing year for greater amberjack, increases the minimum size limit for hogfish, modify the fishing year for black sea bass, changes the commercial fishing season for vermilion snapper, modifies the aggregate grouper bag limit, and revises the accountability measures for gag and vermilion snapper. Modifying the accountability measures for gag and vermilion snapper would enhance consistency and accuracy in the approach taken when the annual catch limit is met or projected to be met for these species.

Timetable:

Action	Date	FR Cite
Notice	04/17/13	78 FR 22846
Notice	08/02/13	78 FR 46925
NPRM	04/27/14	79 FR 22936
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD07

219. Amendment 105 Bering Sea Flatfish Harvest Specifications Flexibility

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

Abstract: This action intends to provide additional harvest opportunities to participants in Bering Sea and Aleutian Islands (BSAI) flatfish fisheries while (1) maintaining catch below the annual catch limits for these species, and (2) ensuring that the maximum optimum yield for BSAI groundfish fisheries will not be exceeded. Specifically, Amendment 105 to the BSAI Fishery Management Plan would establish a process for Amendment 80 cooperatives and Western Alaska Community Development Quota groups to exchange harvest quota from one of the three flatfish species for an equivalent amount of quota of another species. In no case could the amount of fish exchanged exceed the annual catch limit, commonly known as the allowable biological catch, of that species. This action would modify the annual harvest specification process to allow the North Pacific Fishery Management Council (Council) to establish the maximum amount of harvest quota that can be exchanged for each of the three flatfish species. This process would allow the Council to establish a buffer below the allowable biological catch to account for management or socioeconomic considerations. Each participant could only exchange harvest quota up to three times per year. This action is intended to promote the goals and objectives of the BSAI Fishery Management Plan, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

Timetable:

Action	Date	FR Cite
Notice	06/13/14	79 FR 33889
NPRM	06/30/14	79 FR 36702
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BD23

220. Pacific Coast Groundfish Trawl Rationalization Program Trailing Actions: Permitting Requirements for Observer and Catch Monitor Providers

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

Abstract: This action would modify regulations pertaining to certified catch monitors and observers required under the Pacific Coast Groundfish Fishery Management Plan. The action specifies permitting requirements for business entities interested in providing certified observers and catch monitor services, as well as addresses numerous housekeeping measures and updates observer provider and vessel responsibilities relative to observer safety such that the regulations are consistent with the Coast Guard and Maritime Transportation Act of 2012. This action affects individuals serving as certified catch monitors and observers, business entities that provide certified catch monitors and observers, vessels that are required to carry certified observers, and shore-based business entities that are required to employ the services of certified catch monitors.

Timetable:

Action	Date	FR Cite
NPRM	02/19/14	79 FR 9591
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD30

221. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions Regarding the Oceanic Whitetip Shark, the Whale Shark, and the Silky Shark

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: The rule would establish regulations under authority of the Western and Central Pacific Fisheries Convention Implementation Act to implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean on fishing restrictions regarding the oceanic whitetip shark and the whale shark. The regulations would apply to owners and operators of U.S. fishing vessels used for commercial fishing for highly migratory species in the area of

application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). The regulations for oceanic whitetip sharks would prohibit the retention, transshipment, storage, or landing of oceanic whitetip sharks and would require the release of any oceanic whitetip shark as soon as possible after it is caught. The regulations for whale sharks would prohibit setting a purse seine on a whale shark and would specify certain measures to be taken and reporting requirements in the event a whale shark is encircled in a purse seine net. This action is necessary for the United States to satisfy its obligations under the Convention, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	08/22/14	79 FR 49745
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator for the Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814, *Phone:* 808 944–2281.

RIN: 0648–BD44

222. Southern New England Effort Controls to Address Lobster Stock Rebuilding Measures

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

Abstract: NMFS is considering to make revisions to Federal American lobster regulations intended to assist in rebuilding the Southern New England lobster stock. The proposed measures include trap reductions in Lobster Management Areas 2 and 3, a minimum carapace size increase for Lobster Management Area 3, mandatory v-notching of egg-bearing female lobster in Lobster Management Areas 2, 4, and 5, and seasonal closures in Lobster Management Areas 4, 5, and 6. These actions are recommended for Federal implementation by the Atlantic States Marine Fisheries Commission (Commission). The proposed stock rebuilding measures were recommended by the Commission in consultation with some, but not all, Federal lobster permit holders through associated industry participation on the Commissions Lobster Conservation Management Teams. While this action could limit fishing effort and landings by Federal lobster permit holders in Southern New England, the proposed measures are consistent with those already implemented by the affected States.

Timetable:

Action	Date	FR Cite
ANPRM	08/20/13	78 FR 51131
NPRM	07/25/14	79 FR 43379
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BD45

223. Amendment 97 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Establish Chinook Salmon Prohibited Species Catch Limits for the Non-Pollock Trawl Fisheries

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: This rule would limit Chinook salmon prohibited species catch in the Western and Central Gulf of Alaska non-pollock trawl fisheries. Chinook salmon is a fully utilized species in Alaska coastal subsistence, recreational, and commercial fisheries. In recent years the returns of Chinook salmon to some Alaska river systems have been below the biological escapement goals established by the State of Alaska. This action is necessary to minimize the catch of Chinook salmon to the extent practicable in the Gulf of Alaska non-pollock trawl fisheries. The rule would establish a 7,500 Chinook salmon prohibited species annual limit that would be seasonally apportioned among fishing vessel sectors. If a sector reached its Chinook salmon prohibited species limit, further directed fishing for groundfish by vessels in that sector and season would be prohibited. Vessel operators would be required to retain salmon until the number of salmon has been determined by the vessel or plant observer and the observers data collection has been completed. About 70 vessels could be affected by this action. This action could reduce revenues from the fisheries, if the Chinook salmon prohibited species limit is reached before the groundfish quota is harvested. The action may also increase costs if vessel operators move fishing operations or take other actions to lower their catch of Chinook salmon.

Timetable:

Action	Date	FR Cite
Notice	06/05/14	79 FR 32525
NPRM	06/25/14	79 FR 35971
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BD48

224. Implementation of the Inter-American Tropical Tuna Commission Resolution To Establish a Vessel Monitoring System Program in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commissions Resolution intended to require owners and operators of tuna-fishing vessels to have installed, activate, carry and operate vessel monitoring system units (also known as mobile transmitting units). This regulation would apply to owners and operators of tuna-fishing vessels 24 meters or more in length, operating in the eastern Pacific Ocean. The vessel monitoring system units would have to be type-approved, and authorize the Inter-American Tropical Tuna Commission and NMFS to receive and relay transmissions (also called position reports) from the vessel monitoring system unit. Vessel monitoring systems may enhance the safety of some vessels by allowing the vessels location to be tracked, which could assist in rescue efforts. This regulation would apply to commercial vessels and would not apply to recreational or charter vessels. This rule would apply to approximately seventy-four vessels, however, roughly thirty-eight of these vessels are already subject to vessel monitoring system requirements under the Western and Central Pacific Fisheries Commission. Due to the relatively small number of vessels affected, this rule is not expected to garner public opposition or congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	02/06/14	79 FR 7152
Correction	02/25/14	79 FR 10465
Final Action	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD54

225. South Atlantic Coastal Migratory Pelagics Framework Action 2013 (Section 610 Review)

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

Abstract: Currently in the South Atlantic, transfer of harvested fish at sea is prohibited for any species under a commercial trip limit, and only two gillnets are allowed on a federally permitted Spanish mackerel vessel. In some instances the trip limit may be exceeded with just one gillnet set, and the excess fish must be discarded. Most discarded fish caught in gillnet gear die due to trauma caused during capture. The Framework Action would allow a portion of a gillnet and its contents to be transferred from a vessel that has met the Spanish mackerel trip limit to another vessel that has not yet reached the trip limit. Allowing transfer at sea for federally permitted Spanish mackerel vessels using gillnet gear is intended to reduce dead discards, and minimize waste when catch in one net exceeds the trip limit for the vessel. Additionally, the Framework Action would modify the commercial trip limits for Atlantic king mackerel in the Florida east coast subzone. The current system of trip limits may increase the rate of harvest causing the commercial sector to close before Lent, the most lucrative part of the fishing season. Therefore, the trip limit modifications that would be implemented through the Framework Action are expected to help minimize lost opportunities to fish, and optimize profitability in the king mackerel sector of the coastal migratory pelagics fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/19/14	79 FR 15293
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD58

226. Information Collection Program for Atlantic Surfclam and Ocean Quahog Fisheries

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

Abstract: NMFS is implementing this information collection program at the request of the Mid-Atlantic Fishery Management Council (Council). This program will collect additional information about the individuals who hold and/or control Individual Transferable Quota in the Atlantic surfclam and ocean quahog fisheries. This information will be used by the Council in the consideration and development of excessive shares cap(s) in these Individual Transferable Quota fisheries.

Timetable:

Action	Date	FR Cite
NPRM	08/07/14	79 FR 46233
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BD64

227. Amendment 96 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Revise the Community Quota Entity Program

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: Amendment 96 to the Fishery Management Plan for Groundfish of the Gulf of Alaska would modify the halibut and sablefish Individual Fishing Quota Program regulations for management of community quota entities in the Gulf of Alaska. The action revises the Individual Fishing Quota Program by removing a restriction on community quota entities holdings of quota share. Removing this restriction provides community quota entities access to more affordable quota shares, which could enhance the ability of the community quota entities community to realize economic benefits from additional community resident participation in the halibut and sablefish fisheries.

Timetable:

Action	Date	FR Cite
Notice	07/25/14	79 FR 43377
NPRM	08/07/14	79 FR 46237
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BD74

228. Amendment 8 to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region

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

Abstract: Coral Amendment 8 would modify the boundaries of the Oculina Bank Habitat Area of Particular Concern, the Stetson-Miami Terrace Coral Habitat Area of Particular Concern, and the Cape Lookout Coral Habitat Area of Particular Concern to protect deepwater coral ecosystems. The amendment also proposes to implement a transit provision through the Oculina Bank Habitat Area of Particular Concern for fishing vessels with rock shrimp onboard.

Timetable:

Action	Date	FR Cite
Notice	05/20/14	79 FR 28880
NPRM	06/03/14	79 FR 31907
Correction	07/01/14	79 FR 37269
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD81

229. Temporary Rule Through Emergency Action To Revise Annual Catch Limits and Accountability Measures for Blueline Tilefish and the Deep-Water Complex in the South Atlantic Region

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

Abstract: In October 2013, NMFS determined the blueline tilefish stock in the South Atlantic is experiencing overfishing and is overfished. As mandated by Magnuson-Stevens Fishery Conservation and Management Act, NMFS and the Council must prepare and implement a plan amendment and

regulations to end overfishing immediately and rebuild the stock by December 6, 2015. The Council and NMFS, through actions in a future amendment, plan to implement a rebuilding plan and management actions to end overfishing and rebuild the blueline tilefish stock. In the interim, NMFS will publish an emergency rule to implement temporary annual catch limits and accountability measures for blueline tilefish, and modify the current annual catch limits and accountability measures for the deep-water complex. The goal of this action is to minimize future adverse biological effects to the blueline tilefish stock, and the socio-economic effects to fishermen and fishing communities that utilize the blueline tilefish, while a permanent rulemaking designed to end overfishing and rebuild the stock is developed.

Timetable:

Action	Date	FR Cite
Emergency Rule	04/17/14	79 FR 21636
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD87

230. Amendment 100 to the FMP for Groundfish of the BSAI Management Area and Amendment 91 to the FMP for Groundfish of the Gulf of Alaska To add Grenadiers to the Ecosystem Component Category

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

Abstract: Amendments 100 and 91 would amend the Fishery Management Plan to add grenadiers to the ecosystem component category. Grenadiers are caught incidentally in the groundfish fisheries, and adding them to the Fishery Management Plans would recognize their role in the ecosystem. NMFS would also implement regulations for federally-permitted groundfish fishermen to improve reporting of grenadiers, limit retention, and prevent directed fishing for grenadiers. This action is necessary to limit the groundfish fisheries impact on grenadiers. Federally-permitted groundfish fishermen would be affected by the proposed rule, however, the anticipated impacts are considered to be de minimis according the economic analysis prepared for this action.

Timetable:

Action	Date	FR Cite
Notice of Availability.	05/05/14	79 FR 25558
NPRM	05/14/14	79 FR 27557
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BD98

231. • Implementation of a Gulf of Alaska Trawl Fishery Economic Data Collection Program

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 108–199

Abstract: NMFS proposes to implement the Trawl Economic Data Report Program to evaluate the economic effects of current and future groundfish and prohibited species catch management measures for the Gulf of Alaska trawl fisheries under the Fishery Management Plan for Groundfish of the Gulf of Alaska. This data collection program is necessary to provide the North Pacific Fishery Management Council and other analysts with baseline information on affected harvesters, crew, processors, and communities in the Gulf of Alaska that could be used to assess the impacts of major changes in the groundfish management regime, including catch share programs for prohibited species catch species and target species. The data collected for this program would be submitted by vessel owners and leaseholders of Gulf of Alaska trawl vessels, processors receiving deliveries from those trawl vessels, and Amendment 80 catcher/processors. The type of data collected may include, but would not be limited to labor information, revenues received, capital and operational expenses, and other operational or financial data.

Timetable:

Action	Date	FR Cite
NPRM	08/11/14	79 FR 46758
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BE09

232. Amendment and Updates to the Bottlenose Dolphin Take Reduction Plan

Legal Authority: 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 1531 *et seq.*

Abstract: This action would amend regulations under the Bottlenose Dolphin Take Reduction Plan (Plan) to reduce bottlenose dolphin serious injuries and mortalities incidental to the Virginia Pound net fishery. The Plan recommends the year-round use of modified leaders for offshore pound nets within parts of the Chesapeake Bay and Virginia coastal waters. Regulations for Virginia Pound Nets are currently implemented under the Endangered Species Act for sea turtle conservation. The Plan recommended similar regulations to those currently enacted under the Endangered Species Act; however, the regulations under the Plan will offer greater conservation benefits to both bottlenose dolphins and sea turtles. Because the regulations may affect current sea turtle regulations, a joint-rulemaking will be conducted under both the Marine Mammal Protection Act and Endangered Species Act to amend: (1) the Plan under the Marine Mammal Protection Act, proposing Virginia pound net requirements; and (2) current federal sea turtle regulations for Virginia pound nets under the Endangered Species Act to ensure consistency between regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/17/14	79 FR 21695
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BB37

233. Designation of Critical Habitat for the Distinct Population Segments of Yelloweye Rockfish, Canary Rockfish, and Bocaccio

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: This action proposes to designate critical habitat under the Endangered Species Act for three Distinct Population Segments of rockfish in the Puget Sound/Georgia Basin: (1) the threatened Distinct Population Segments of yelloweye rockfish; (2) the threatened Distinct Population Segments of canary rockfish; and (3) the endangered Distinct Population Segments of bocaccio. The proposed specific areas for canary rockfish and bocaccio comprise approximately 505 hectares (1,249 acres) of marine habitat in Puget Sound. The proposed areas for yelloweye rockfish comprise approximately of 245 hectares (606 acres) of marine habitat in Puget Sound.

Timetable:

Action	Date	FR Cite
NPRM	08/06/13	78 FR 47635
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BC76

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

National Marine Fisheries Service

234. Comprehensive Fishery Management Plan for Puerto Rico

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

Abstract: This comprehensive Puerto Rico Fishery Management Plan will incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to Puerto Rico exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of Puerto Rico. If approved, this new Puerto Rico Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for each of St. Croix and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD32

235. Comprehensive Fishery Management Plan for St. Croix

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

Abstract: This comprehensive St. Croix Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Croix exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Croix. If approved, this new St. Croix Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for each of Puerto Rico and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD33

236. Comprehensive Fishery Management Plan for St. Thomas/St. John

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

Abstract: This comprehensive St. Thomas/St. John Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Thomas/St. John exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Thomas/St. John. If approved, this new St. Thomas/St. John Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for each of St. Croix and Puerto Rico, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, Fax: 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD34

237. Marine Mammal Protection Act Permit Regulation Revisions

Legal Authority: 16 U.S.C. 1374

Abstract: This action would consider revisions to the implementing regulations governing the issuance of permits for activities under section 104 of the Marine Mammal Protection Act. The intent of this action would be to streamline and update (using plain language) the general permitting information and the specific requirements for the four categories of permits: scientific research (including the General Authorization); enhancement; educational and commercial photography; and public display. The revisions would also simplify procedures for collection, possession, and transfer of marine mammals parts collected before the effective date of the Marine Mammal Protection Act, and also clarify reporting requirements for public display facilities holding marine mammals.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/07	72 FR 52339
ANPRM Comment Period Extended.	10/15/07	72 FR 58279
ANPRM Comment Period End.	11/13/07	72 FR 52339
ANPRM Comment Period End.	12/13/07	72 FR 58279
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 713–2322.

RIN: 0648–AV82

238. Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead

Legal Authority: 16 U.S.C. 1531 to 1544

Abstract: This action will designate critical habitat for lower Columbia River coho salmon and Puget Sound steelhead, currently listed as threatened species under the Endangered Species Act. The specific areas proposed for designation in for lower Columbia River coho include approximately 2,288 mi (3,681 km) of freshwater and estuarine habitat in Oregon and Washington. The specific areas proposed for designation for Puget Sound steelhead include approximately 1,880 mi (3,026 km) of freshwater and estuarine habitat in Puget Sound, Washington.

Timetable:

Action	Date	FR Cite
NPRM	01/14/13	78 FR 2725
Final Action	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 713–2322.

RIN: 0648–BB30

239. Designation of Critical Habitat for the Beringia Distinct Population Segment of the Bearded Seal

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service (NMFS) published a final rule to list the Beringia Distinct Population Segment (DPS) of the bearded seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Beringia DPS of the bearded seal. The proposed critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 713–2322.

RIN: 0648–BC55

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

240. American Lobster Fishery; Fishing Effort Control Measures to Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission

Legal Authority: 16 U.S.C. 5101 *et seq.*

Abstract: The action would limit future access in the Lobster Conservation Management Area (Area) 2 and Outer Cape Area lobster trap fishery based on historic participation criteria, and implement a transferable trap program in Area 2, Area 3, and the Outer Cape Area as recommended by the Atlantic States Marine Fisheries Commission. National Marine Fisheries Service proposes to use the same historic participation data and qualification criteria used by state agencies to qualify state lobstermen fishing in the state waters of the subject management areas.

Timetable:

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495
Notice of Public Meeting.	05/03/10	75 FR 23245
NPRM	06/12/13	78 FR 35217
Final Action	04/07/14	79 FR 19015

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930. Phone: 978 281–9287. Email: *john.bullard@noaa.gov.*

RIN: 0648–AT31

241. Magnuson–Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure

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

Abstract: This rule revises and updates the National Marine Fisheries Service procedures for complying with National Environmental Protection Act in the context of fishery management actions developed pursuant to MSRA.

Timetable:

Action	Date	FR Cite
NPRM	05/14/08	73 FR 27998
Withdrawal of Proposed Rule.	07/14/14	79 FR 40703

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steve Leathery, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2239, *Email: steve.leathery@noaa.gov.*

RIN: 0648–AV53

242. Amendment 6 to the Monkfish Fishery Management Plan

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

Abstract: The purpose of Amendment 6 to the Monkfish Fishery Management Plan is to consider developing a catch share management program for this fishery. This would very likely also involve the development of a referendum for such a program as required under the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
Final Action—Notice of Intent to Prepare an EIS.	11/30/10	75 FR 74005

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BA50

243. Generic Amendment to Several Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions to Modify Federally–Permitted Seafood Dealer Reporting Requirements

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

Abstract: To better ensure commercial landings of managed fish stocks do not exceed annual catch limits, improvements are needed to the accuracy, completeness, consistency, and timeliness of data submitted by federally-permitted seafood dealers. The purpose of the generic amendment is to change the current reporting requirements for those dealers who purchase fish managed under several of the Gulf of Mexico and South Atlantic Fishery Management Council fishery management plans. Changes are proposed to the current six dealer permits to increase the species that must be reported. Changes are also proposed to the method and frequency of dealer reporting. This action will aid in achieving the optimum yield from each fishery while reducing (1) undue socioeconomic harm to dealers and fishermen and (2) administrative burdens to fishery agencies

Timetable:

Action	Date	FR Cite
Notice	12/19/13	78 FR 76807
NPRM	01/02/14	79 FR 81
NPRM Comment Period End.	02/03/14	
Final Action	04/09/14	79 FR 19490

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BC12

244. Georges Bank Yellowtail Flounder Emergency Action To Provide a Partial Exemption From Accountability Measures to the Atlantic Scallop Fishery

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

Abstract: This action, requested by the New England Fishery Management Council, exempts the Atlantic sea scallop fishery from any accountability measure for catch of Georges Bank yellowtail flounder exceeding the revised sub-annual catch limit of 156.9 mt up to the initial sub-annual catch limit level of 307.5 mt. By exempting the scallop fleet from accountability measures at the lower revised 156.9 mt sub-ACL, but maintaining accountability at the 307.5 mt level initially set for the fishing year, there remains a need for the scallop fleet to mitigate yellowtail flounder catch but to do so within the context of the initial level established for the fishing year. This specific accountability measure is not needed to comply with Magnuson Stevens Fishery Conservation and Management Act requirements because there is an accountability measure at the fishery level that remains unchanged by this proposed action. Any overage of the fishery level ACL is repaid pound-for-pound in a subsequent fishing year.

Timetable:

Action	Date	FR Cite
NPRM	10/01/12	77 FR 59883
Withdrawal of Proposed Rule.	03/24/14	79 FR 15932

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BC33

245. Modification to the Hired Skipper Regulations for Management of the Individual Fishing Quota Program for the Fixed–Gear Commercial Fisheries for Pacific Halibut and Sablefish in Waters of Alaska

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: This action would amend the hired master regulations of the Individual Fishing Quota Program for the fixed-gear commercial Pacific halibut and sablefish fisheries in the Bering Sea and Aleutian Islands management area and the Gulf of Alaska. The Individual Fishing Quota Program allows initial recipients of catcher vessel halibut and sablefish quota share to hire a vessel master to harvest Individual Fishing Quota derived from the quota share. When a hired master fishes an initial recipients Individual Fishing Quota, the initial recipient is exempt from being onboard the vessel. This action would remove the owner-onboard exemption to hire a master to harvest Individual Fishing Quota derived from quota share that an initial recipient received by transfer after February 12, 2010. Between February 12, 2010 and the effective date of this action, initial recipient quota share transferred into a quota share block of the same category would retain the hired master privilege. After the effective date of this action, no hired master privilege would be retained on initial recipient quota share consolidated with quota share of the same category. This action is necessary to maintain a predominantly owner-operated fishery.

Timetable:

Action	Date	FR Cite
NPRM	04/26/13	78 FR 24707
Final Action	07/28/14	79 FR 43679

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BC62

246. Amendment 3 to the Spiny Dogfish Fishery Management Plan

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

Abstract: The action would make four modifications to the management measures in the Spiny Dogfish Fishery Management Plan. These include allowing up to 3 percent of the annual quota to be set aside for research purposes (research set-aside), updating the essential fish habitat definitions for spiny dogfish, allowing the previous year's management measures to be carried over into the subsequent year in the case of rulemaking delays, and removing the seasonal allocation of the commercial quota. The action is needed to improve the efficiency of the Spiny Dogfish Fishery Management Plan, and help reduce misalignment of regulations with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for spiny dogfish.

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/26/14	79 FR 16775
NPRM	04/10/14	79 FR 19861
Final Action	07/14/14	79 FR 41141

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:*

978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BC77

247. Amendment 5 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic

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

Abstract: Amendment 5 to the Dolphin Wahoo Fishery Management Plan includes revisions to the acceptable biological catches, annual catch limits, recreational annual catch targets, and accountability measures for dolphin and wahoo; modifications to the framework procedure; and modifications to the sector allocations and trip limits for dolphin. The revisions incorporate updates to the recreational data as per the Marine Recreational Information Program, as well as revisions to commercial and for-hire landings. The revisions are necessary to avoid triggering accountability measures for dolphin and wahoo based on recreational data under the Marine Recreational Fisheries Statistics Survey system. National Marine Fisheries Service no longer uses the Marine Recreational Fisheries Statistics Survey system, and now estimates recreational landings using the Marine Recreational Information Program. Additionally, this amendment would modify the framework procedure for dolphin and wahoo; modify sector allocations and adjust trip limits for dolphin.

Timetable:

Action	Date	FR Cite
Notice of Availability.	02/28/14	79 FR 11383
NPRM	03/14/14	79 FR 14466
NPRM Comment Period End.	04/14/14	
Final Action	06/09/14	79 FR 32878

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD08

248. Allowing Northeast Multispecies Sector Vessels Access to Year Round Closed Areas

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

Abstract: This action allows Northeast Multispecies vessels enrolled in a sector to fish in any of three year-round closed areas on Georges Bank during select times of the 2013 fishing year. This rule allows fishing access for Northeast multispecies sectors to two portions of the Southern New England Nantucket Lightship Closed Area for the remainder of the 2013 fishing year, under specified conditions. The intent of this rule is to allow sector vessels increased opportunities to harvest non-groundfish stocks such as monkfish, dogfish, and skates, while minimizing impacts to overfished groundfish stock such as Georges Bank cod and yellowtail flounder.

Timetable:

Action	Date	FR Cite
NPRM	07/11/13	78 FR 41772
Interim Final Rule	12/16/13	78 FR 76077
Final Action	04/21/14	79 FR 22043

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD09

249. Pacific Coast Groundfish Trawl Rationalization Program; Second Program Improvement and Enhancement Rule

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

Abstract: This action implements trailing actions for the Pacific coast groundfish trawl rationalization program in order to further improve and refine the program. Since implementation of the program in January 2011, the Pacific Fishery Management Council (Council) and NMFS have developed numerous trailing actions to the program. This action includes multiple components that either implement original provisions of the program, or increase flexibility or efficiency, or address minor revisions/clarifications. Implementation of Quota share transfer regulations is also included in this action. The other components of this action are intended to increase flexibility and efficiency for participants and the Agency, and to make minor clarifications to the program regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/19/13	78 FR 43125
Final Rule	11/15/13	78 FR 68764
Correcting Amendment.	03/05/14	79 FR 12412

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD31

250. Modifications to the Pacific Coast Groundfish Trawl Rockfish Conservation Area Boundaries

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

Abstract: This action would implement recommendations from the Pacific Fishery Management Council to liberalize trawl Rockfish Conservation Area boundaries for participants in the Pacific Coast groundfish shorebased individual fishing quota program, beginning November 1, 2013 through the end of 2014. Different trawl Rockfish Conservation Area variations have been in place since 2002–2003 and are typically adjusted through routine inseason actions to keep overfished fish species within acceptable catch limits or harvest guidelines. This rule proposes to modify the trawl Rockfish Conservation Area boundaries, in order to increase access to target species. This rule would increase fishermen's access to their target species allocations, while allowing the individual accountability inherent in the individual fishing quota program to reduce bycatch. This action would also increase the flexibility and efficiency for individual fishing quota program participants, and maintain the full catch accounting requirements of the individual fishing quota program.

Timetable:

Action	Date	FR Cite
NPRM	09/13/13	78 FR 56641
Final Rule	04/17/14	79 FR 21639
Correcting Amendment.	05/13/14	79 FR 27196

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD37

251. Framework Adjustment 8 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan

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

Abstract: Framework 8 announces several changes to facilitate the operation of the butterfish discard cap

on the longfin squid fishery. The alternatives proposed in Framework 8 would allocate the butterfish discard cap among the Trimesters in the same percentages used for the trimester allocations for longfin squid In addition, Framework 8 would allow NMFS to transfer, in either direction, a certain amount of unused quota between the butterfish landing allocation and the discard cap on the longfin squid fishery. This would occur near the end of the year, in order to optimally utilize the butterfish that is available for fishing each year.

Timetable:

Action	Date	FR Cite
NPRM	01/31/14	79 FR 5364
NPRM Comment Period End.	03/03/14	
Final Action	04/02/14	79 FR 18478

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD50

252. Implementation of the Inter-American Tropical Tuna Commission Resolution for the Conservation of Whale Sharks and the Collection and Analyses of Data on Fish Aggregating Devices

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 961 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commissions Resolution intended to conserve whale sharks and collect information on fish aggregating devices. This action would require that by July 1, 2014, owners and operators of purse seine vessels in the eastern Pacific Ocean would be prohibited from setting a purse seine on a school of tuna associated with a live whale shark, if the shark is sighted prior to the beginning of the set. If a whale shark is encircled in the purse seine net the master of the vessel would be required to ensure that all reasonable steps are taken to ensure its safe release and report the details of the incident to the Inter-American Tropical Tuna Commission and NMFS. By January 1, 2015, owners and operators of purse seine vessels operating in the Inter-American Tropical Tuna Commission Convention area when fishing on fish aggregating devices would be required to collect and report the fish aggregating devices location and type. The data may be collected through a dedicated logbook, modifications to existing regional logsheets, or other domestic reporting procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/13/14	79 FR 33851
Final Action	09/18/14	79 FR 56017

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD53

253. Implementation of the Inter-American Tropical Tuna Commission Resolution To Adopt Conservation and Management Measures for Pacific Bluefin Tuna in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This action proposes regulations adopted by the Inter-American Tropical Tuna Commission that would place a limit on commercial harvests of Pacific bluefin tuna in the eastern Pacific Ocean in 2014. The Inter-American Tropical Tuna Commission resolution imposes an international aggregate catch limit of 5,000 metric tons for commercial fleets in the Eastern Pacific Ocean and, as in past years, the Resolution allows a minimum of 500 metric tons for nations such as the United States that have historically fished Pacific bluefin tuna in the Eastern Pacific Ocean but do not harvest large amounts. The rule is expected to have a beneficial impact on Pacific bluefin tuna and other living marine resources since it would extend catch limits currently set to expire December 31, 2013. This rule is likely to have negligible economic impacts because the U.S. fleets that catch Pacific bluefin tuna have not caught more than 500 metric tons of bluefin in more than a decade.

Timetable:

Action	Date	FR Cite
NPRM	01/10/14	79 FR 1810
NPRM Comment Period End.	02/10/14	
Final Action	05/16/14	79 FR 28448

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD55

254. Framework Adjustment 8 to the Monkfish Fishery Management Plan

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

Abstract: Framework Adjustment 8 would specify acceptable biological catch amounts, and annual catch limits, for the monkfish fishery during fishing years 2014–2016, based on an updated stock assessment completed in April 2013. This action would also set monkfish days-at-sea allocations and trip limits for both the Northern and Southern Fishery Management Areas to achieve recommended annual catch targets. In addition, this action would allow vessels issued a limited access monkfish Category H permit to fish throughout the Southern Fishery Management Area. Both the directed and incidental monkfish fisheries would be affected by this action. Specifically, Category H vessels would be provided with greater flexibility to fish for monkfish in a broader geographical area. Since the fishery has not fully harvested available quotas in recent years, it is not expected that potential increases or decreases in catch allowances are likely to have a substantial economic effect.

Timetable:

Action	Date	FR Cite
NPRM	05/27/14	79 FR 30056
Final Action	07/18/14	79 FR 41918

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD56

255. 2014 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries

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

Abstract: This action establishes catch levels and associated management measures for the 2014 fishing year for species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery

Management Plan. The Mid-Atlantic Fishery Management Council reaffirmed the 3-year catch level recommendations for Illex squid and longfin squid (2012–2014), and for Atlantic mackerel (2013–2015), so no changes are proposed for catch levels for those species. The proposed action would: increase the butterfish ABC by 8 percent, and the butterfish landings limit by 24 percent, compared to 2013; set a 236 mt cap on river herring and shad catch in the mackerel fishery; raise the post-closure possession limit for longfin squid to 10,000 lb for vessels targeting Illex squid; and change the butterfish Phase 3 trip limit to 600 lb (from 500 lb) for longfin squid/butterfish moratorium permit holders to make it consistent with the incidental butterfish trip limit.

Timetable:

Action	Date	FR Cite
NPRM	01/10/14	79 FR 1813
NPRM Comment Period End.	02/10/14	
Final Action	04/04/14	79 FR 18834

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD65

256. Modifications to Identification Markings on Fishing Gear Marker Buoys

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 773 *et seq.;* Pub. L. 108–447

Abstract: This rule would eliminate the requirement that buoys marking the location of commercial fishing gear be marked with the vessel's name, in addition to a vessel identification number. Current regulations require buoy markings to make it possible to identify the vessel from which the gear was deployed. Experience shows that it is not necessary to mark buoys with both the vessel's name and Federal fisheries permit number. While one vessel may share the same name as another vessel, vessel identification numbers are exclusive and unique to the recipient vessel. The purpose of this action is to reduce regulatory burdens by eliminating the requirement to mark buoys with the vessel's name, and will reduce costs to vessel owners by reducing the labor and materials needed to mark buoys.

Timetable:

Action	Date	FR Cite
NPRM	01/03/14	79 FR 381
NPRM Comment Period End.	02/03/14	
Final Action	04/03/14	79 FR 18655

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BD66

257. Pacific Coast Whiting Fishery for 2014

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

Abstract: The rule would be issued consistent with a regulatory framework that was established in 1996 to routinely implement the Washington coastal Indian tribes treaty rights to harvest Pacific Coast groundfish. The rule would establish a Pacific whiting tribal allocation for 2014. The final rule for Pacific whiting in 2014 will include the tribal allocation as well as final allocations to the non-tribal sector.

Timetable:

Action	Date	FR Cite
NPRM	02/28/14	79 FR 11385
NPRM Comment Period End.	03/31/14	
Final Action	05/13/14	79 FR 27198

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD75

258. Pacific Halibut Fisheries; Catch Sharing Plan

Legal Authority: 16 U.S.C. 773 *et seq.*

Abstract: Each year, the Pacific Fishery Management Council (Council) reviews and receives public comment on its Pacific Halibut Catch Sharing Plan (Plan) to determine whether revisions are needed to achieve management objectives for any of the West Coast halibut fisheries. For 2014 and beyond, the Council has recommended minor changes to the portion of the Plan covering the allocations and sport fisheries. For the Washington north coast subarea sport fishery the recommended changes clarify the season structure and remove the provisions for a nearshore fishery. For the Columbia River subarea sport fishery the recommended changes revise the days of the week the fishery is open and modify the subarea allocation to provide for a new nearshore fishery within the subarea. For the Oregon central coast subarea sport fishery the changes include modifying the nearshore fishery. For the South of Humbug Mountain subarea, the recommended changes include breaking the subarea into separate subareas for Southern Oregon and California, and allocating catch to these subareas from existing allocations. These recommended changes to the Plan are implemented through the annual regulations. The annual regulations will also include the 2014 halibut quota for the West Coast fisheries as recommended by the International Pacific Halibut Commission.

Timetable:

Action	Date	FR Cite
NPRM	02/06/14	79 FR 7156
NPRM Comment Period End.	02/21/14	
Final Rule	03/12/14	79 FR 13906
Final Action—Correcting Amendment.	04/04/14	79 FR 18827

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD82

259. Amendment 20A to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region

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

Abstract: Amendment 20A would prohibit the sale of king and Spanish mackerel caught under the bag limit in the Gulf of Mexico and South Atlantic regions except under limited circumstances. For the Gulf of Mexico, the amendment would prohibit the sale of king and Spanish mackerel caught under the bag limit unless those fish are either caught on a for-hire trip and the vessel has both a for-hire and commercial vessel permit, or the fish are caught as part of a state-permitted tournament and the proceeds from the sale are donated to charity. For the South Atlantic region, the amendment

would prohibit the sale of king and Spanish mackerel caught under the bag limit unless the fish are caught as part of a state-permitted tournament and the proceeds from the sale are donated to charity. In addition, the amendment would remove the income qualification requirement for king and Spanish mackerel commercial permits. This action would not affect the number of king mackerel permits, which are limited access, but could increase the number of Spanish mackerel permits, which are open access.

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/03/14	79 FR 11748
NPRM	03/19/14	79 FR 15284
NPRM Comment Period End.	05/05/14	
Final Action	06/16/14	79 FR 34246

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD83

260. Framework Adjustment 51 to the Northeast Multispecies Fishery Management Plan

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

Abstract: This action would implement the annual measures included in Framework Adjustment 51 to the Northeast Multispecies Fishery Management Plan (Framework 51). Framework 51 would set specifications for white hake for fishing years 2014 through 2016, as well as fishing year 2014 shared U.S./Canada quotas for Georges Bank yellowtail flounder and Eastern Georges Bank cod and haddock. The specifications for white hake are 10 percent higher than 2013, and are based on the 2013 stock assessment. The U.S. quota for Georges Bank yellowtail flounder is proposed to increase by 53 percent compared to 2013, and the Eastern Georges Bank cod and haddock quotas are proposed to increase by 60 percent, and more than 150 percent, respectively. These quotas are based on the 2013 joint U.S./Canada assessment for these stocks. The quotas for all other species were set last year in Framework 50.Framework 51 would also revise the rebuilding program for Gulf of Maine cod and American plaice. Both programs are proposed to be 10 years to ensure stocks rebuild in a timely manner, while allowing the fishery to continue. Other management measures included in Framework 51 are accountability measures for the small-mesh fishery for Georges Bank yellowtail flounder, modification to the U.S./Canada Area management measures, and consideration of a prohibition on possession of yellowtail flounder by the scallop fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/17/14	79 FR 14951
NPRM Comment Period End.	04/01/14	
Final Action	04/22/14	79 FR 22421

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD88

261. Framework Adjustment 2 to the Northeast Skate Complex Fishery Management Plan

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

Abstract: This action includes skate fishery specifications for the 2014–2015 fishing years, and modifications to skate reporting requirements for vessels and dealers. This action would establish: an annual catch limit for the skate complex of 35,479 mt (a decrease from 50,435 mt in 2013); an overall total allowable landings of 16,385 mt (a decrease from 23,365 mt in 2013); status quo possession limits for the skate wing and bait fisheries; and changes to skate vessel and dealer reporting requirements to improve species-specific landings data, including removal of ''unclassified skate'' reporting options.

Timetable:

Action	Date	FR Cite
NPRM	05/19/14	79 FR 29154
Final Action	08/29/14	79 FR 51504

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD99

262. • Framework Adjustment 25 to the Atlantic Sea Scallop Fishery Management Plan

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

Abstract: The purpose of Framework 25 is to set management measures for the scallop fishery for the 2014 fishing year, including the annual catch limits and annual catch targets for the limited access and limited access general category fleets, as well as days-at-sea allocations and sea scallop access area trip allocations. In addition, Framework 25 will also include an adjustment to the fishing mortality limit in scallop fishery open areas (those fished under days at sea) in order to allow more harvest from open areas while not exceeding overfishing limits for the fishery; considers allowing pounds that went unharvested in Closed Area I in 2012 and 2013 to be landed in a future year; develops Southern windowpane flounder Accountability Measures; and provides Full-Time vessels the option to exchange their allocated Delmarva Access Area trip for five days-at-sea.

Timetable:

Action	Date	FR Cite
NPRM	05/09/14	79 FR 26690
NPRM Comment Period End.	05/27/14	
Final Action	06/16/14	79 FR 34251

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BE07

263. • Pacific Coast Groundfish Trawl Rationalization Program; Correction to the 2014 Shorebased Trawl Allocation Table

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

Abstract: This action contains one correction to the Biennial Specifications and Management Measures regulations that published in the **Federal Register** on January 3, 2013. This notice corrects 2014 shorebased trawl allocations for several species of groundfish in the shorebased trawl allocation table that were inadvertently misreported in the Biennial Specifications and Management Measures final rule. This will result in a very minor increase in quota pounds (the number of pounds of fish this particular sector is allowed to catch) for several species. Historically, this sector has not caught the full quota

of those species, so there is not likely to be an economic impact due to this correction. The following species will be affected: English sole, Lingcod N. of 40′10° N latitude (OR & WA), Lingcod S. of 40′10° N latitude (CA), Minor Slope Rockfish North 40°10′ N. lat., Other Flatfish, Pacific cod, Shortspine Thornyhead, and Yellowtail rockfish.

Timetable:

Action	Date	FR Cite
Correcting Amendment.	05/16/14	79 FR 28455

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BE14

264. • 2014 Summer Flounder, Scup, and Black Sea Bass Recreational Harvest Measures

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

Abstract: This rulemaking would propose management measures to achieve recreational harvest limits for the 2014 summer flounder, scup, and black sea bass recreational fisheries. Recreational management measures include recreational possession limits, minimum fish sizes, and seasonal closures.

Timetable:

Action	Date	FR Cite
NPRM	05/09/14	79 FR 26685
NPRM Comment Period End.	05/27/14	
Final Action	07/07/14	79 FR 38259

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BE16

265. • 2014–2015 Spiny Dogfish Specifications

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

Abstract: The proposed action includes spiny dogfish fishery specifications for the 2014–2015 fishing years, as recommended by the Mid-Atlantic and New England Fishery Management Councils. In summary, the Councils proposes Spiny dogfish annual catch limits of 60.695 million lb for 2014, and 62.413 million lb for 2015 (increases from 54.295 million lb in 2013); coastwide commercial quotas of 49.037 million lb for 2014, and 50.612 million lb for 2015 (increases from 40.842 million lb in 2013); and two alternatives for spiny dogfish trip limits: 4,000 lb (status quo) or unlimited possession for 2014 and 2015.

Timetable:

Action	Date	FR Cite
NPRM	05/13/14	79 FR 27274
NPRM Comment Period End.	06/12/14	
Final Action	08/08/14	79 FR 46376

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BE17

266. Amending the Atlantic Large Whale Take Reduction Plan

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: The National Marine Fisheries Service (NMFS) is proposes to amend the Atlantic Large Whale Take Reduction Plan. These changes are designed to address ongoing right, humpback, and fin whale entanglements resulting in serious injury or mortality. In 2009, the Atlantic Large Whale Take Reduction Team (Team) agreed on a schedule to develop conservation measures for reducing the risk of serious injury and mortality of large whales that become entangled in vertical lines. In an August 2012 American Lobster Biological Opinion, NMFS committed to publishing a proposed rule to address vertical line entanglements in 2013, and to publish a final rule by April 2014. Unlike the broad-scale management approach taken to address entanglement risks associated with groundlines (rope between trap/pots), the approach for the vertical line rulemaking will focus on reducing the risk of vertical line entanglements in finer-scale high impact areas. Using fishing gear characterization data and whale sightings per unit effort data, NMFS developed a model to determine the co-occurrence of fishing gear density and whale density to serve as a guide in the identification of these high risk areas. Potential measures include: expanding the gear marking scheme to require larger and more frequent marks along the buoy line; increasing the number of traps per trawl based on area fished and miles fished from shore in the northeast; establishing several closures in the northeast for trap/pot fisheries; modifying weak link and breaking strength requirements of buoy lines; and requiring the use of one buoy line with one trap in the southeast.

Timetable:

Action	Date	FR Cite
NPRM	07/16/13	78 FR 42653
Notice	07/24/13	78 FR 44536
Final Action	06/27/14	79 FR 36585

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BC90

267. Designation of Critical Habitat for the Northwest Atlantic Ocean Loggerhead Sea Turtle DPS and the Determination Regarding Critical Habitat for the North Pacific Ocean Loggerhead DPS

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: This action would designate critical habitat for the Loggerhead sea turtle pursuant to the Endangered Species Act of 1973, as amended. The loggerhead sea turtle was originally listed worldwide as a threatened species on July 28, 1978. No critical habitat was designated for the loggerhead at that time. On September 22, 2011, NMFS and the U.S. Fish and Wildlife Service jointly published a final rule revising the loggerheads listing from a single worldwide threatened species to nine Distinct Population Segments. The two Distinct Population Segments occurring in U.S. jurisdiction are the Northwest Atlantic Ocean Distinct Population Segment (range defined as north of the equator, south of 60 N. lat., and west of 40 W. long.) and the North Pacific Ocean Distinct Population Segments (range defined as north of the equator and south of 60 N. lat.). For the 2011 final listing rule, NMFS and the U.S. Fish and Wildlife Service found designation of critical habitat to be not determinable. This action will satisfy the provisions under the Endangered Species Act requiring critical habitat to be designated for these Distinct Population Segments.

Timetable:

Action	Date	FR Cite
NPRM	07/18/13	78 FR 43006
Proposed Rule Correction.	08/01/13	78 FR 46563
Notice	08/21/13	78 FR 51705
NPRM Comment Period Re-opened.	09/30/13	78 FR 59907
Public Hearing	11/04/13	78 FR 65959
Final Action	07/10/14	79 FR 39855

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BD27

[FR Doc. 2014–28929 Filed 12–19–14; 8:45 am]

BILLING CODE 3510–12–P

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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 ''Regulatory Planning and Review.'' This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive order and other regulatory guidance. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD issuances listed in the agenda are of limited public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *www.regulations.gov* during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on May 23, 2014, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the spring of 2015. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

The complete Unified Agenda will be available online at *www.reginfo.gov.*

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571–372–0485, or write to Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 4800 Mark Center Drive, Alexandria, VA 22350, or email: *patricia.l.toppings.civ@mail.mil.*

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301–1600, or call 703–697–2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Morgan Park, telephone 571–372–0489, or write to Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 4800 Mark Center Drive, Alexandria, VA 22350, or email: *morgan.e.park.civ@mail.mil.*

For general information on Office of the Secretary agenda items, which are procurement-related, contact Mr. Manuel Quinones, telephone 571–372–6088, or write to Defense Acquisition Regulations Directorate, 4800 Mark Center Drive, Suite 15D07–2, Alexandria, VA 22350, or email: *manuel.quinones.civ@mail.mil.*

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703–428–6173, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS–RDR–C, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, Virginia 22315–3860, or email: *brenda.s.bowen.civ@mail.mil.*

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Chip Smith, telephone 703–693–3644, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310–0108, or email: *charles.r.smith567.civ@mail.mil.*

For general information on Department of the Navy regulations, contact CDR Noreen Hagerty-Ford, telephone 703–614–7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066, or email: *noreen.hagerty-ford@navy.mil.*

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703–614–8500, or write the Office of the Secretary of the Air Force, Chief, Information Dominance/Chief Information Officer (SAF CIO/A6), 1800 Air Force Pentagon, Washington, DC 20330–1800, or email: *usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil.*

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Departments of the Army and Navy. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies regulations that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act of 1995;

c. Unfunded Mandates Reform Act of 1995.

Those DoD regulations, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these

entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866. Executive Order 13563 recognizes the importance of maintaining a consistent culture of retrospective review and analysis throughout the executive branch. DoD's retrospective review plan is intended to identify certain significant rules that are obsolete, unnecessary, unjustified, excessively burdensome, or counterproductive and can be accessed at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036.*

Dated: September 16, 2014.

Michael L. Rhodes,

Director, Administration.

Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
268	TRICARE; Reimbursement of Long Term Care Hospitals.	0720–AB47

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Proposed Rule Stage

268. Tricare; Reimbursement of Long Term Care Hospitals

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch 55

Abstract: The proposed rule implements the statutory provision in 10 United States Code 1079(j)(2) that TRICARE payment methods for institutional care shall be determined to the extent practicable in accordance with the same reimbursement rules as those that apply to payments to providers of services of the same type under Medicare. This proposed rule implements a reimbursement methodology similar to that furnished to Medicare beneficiaries for services provided by long-term care hospitals.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301, *Phone:* 303 676–3803.

RIN: 0720–AB47

[FR Doc. 2014–28957 Filed 12–19–14; 8:45 am]

BILLING CODE 5001–06–P

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Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, Department of Education.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulatory and deregulatory actions. The agenda is issued under the authority of section 4(b) of Executive Order 12866, ''Regulatory Planning and Review.'' The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about regulatory actions we plan to take.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Other questions or comments on this agenda should be directed to LaTanya Cannady, Program Specialist, or Paul Riddle, Acting Assistant General Counsel, Division of Regulatory Services, Office of the General Counsel, Department of Education, Room 6C128, 400 Maryland Avenue SW., Washington, DC 20202–2241; telephone: (202) 401–9676 (LaTanya Cannady) or (202) 401–6269 (Paul Riddle). Individuals who use a telecommunications device for the deaf (TDD) or a text telephone (TTY) may call the Federal Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in October and April of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5 U.S.C. 605(a)). In compliance with the Executive order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract that includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at ED from whom a reader can obtain additional information regarding the planned action.

In accordance with ED's Principles for Regulating listed in its regulatory plan (78 FR 1361, published January 8, 2013), ED is committed to regulations that improve the quality and equality of services to its customers. ED will regulate only if absolutely necessary and then in the most flexible, most equitable, least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on any uncompleted actions in this agenda that ED plans to review under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine their economic impact on small entities. This publication does not impose any binding obligation on ED with regard to any specific item in the agenda. ED may elect not to pursue any of the regulatory actions listed here, and regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

Electronic Access to This Document

The entire Unified Agenda is published electronically and is available online at *www.reginfo.gov.*

Philip Rosenfelt,
Acting General Counsel.

OFFICE OF POSTSECONDARY EDUCATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
269	Gainful Employment	1840–AD15
270	Violence Against Women Act	1840–AD16
271	Title IV of the HEA—Definition of Adverse Credit for Direct PLUS Loan Eligibility	1840–AD17

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Completed Actions

269. Gainful Employment

Legal Authority: 20 U.S.C. 1001 to 1003; 20 U.S.C. 1070g; 20 U.S.C. 1085; 20 U.S.C. 1088; 20 U.S.C. 1091 to 1092; 20 U.S.C. 1094; 20 U.S.C. 1099c; 20 U.S.C. 1099c–1; 20 U.S.C. 1221e–3; 20 U.S.C. 3474

Abstract: The Secretary amends the regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA). The amendments follow a negotiated rulemaking conducted by the Department in the fall of 2013. Specifically, a negotiating committee met in September, November, and December of 2013 to prepare proposed regulations regarding measures for determining whether certain postsecondary educational programs prepare students for gainful employment in a recognized occupation, the conditions under which these educational programs remain eligible for the title IV Federal Student Aid programs, and requirements for reporting and disclosure of relevant information.

Completed:

Reason	Date	FR Cite
Final Regulations	10/31/14	79 FR 64890

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A. Kolotos, *Phone:* 202–502–7762, *Email: john.kolotos@ed.gov.*

RIN: 1840–AD15

270. Violence Against Women Act

Legal Authority: 20 U.S.C. 1092

Abstract: These regulations to address the changes to the campus safety and security reporting requirements in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), made by the Violence Against Women Reauthorization Act of 2013 (VAWA).

Completed:

Reason	Date	FR Cite
NPRM	06/20/14	79 FR 35418
Final Action	10/20/14	79 FR 62752

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gail McLarnon, *Phone:* 202–219–7048, *Email: gail.mclarnon@ed.gov.*

RIN: 1840–AD16

271. Title IV of the HEA—Definition of Adverse Credit for Direct Plus Loan Eligibility

Legal Authority: 20 U.S.C. 1078–2

Abstract: The Department is amending our regulations on the definition of ''adverse credit'' for Direct PLUS Loan eligibility. We make Direct PLUS Loans to parents of dependent undergraduate students and to graduate and professional students. To be eligible to receive a Direct PLUS Loan, the applicant must not have an ''adverse credit'' history as determined pursuant to regulations promulgated by the Secretary.

Completed:

Reason	Date	FR Cite
NPRM	08/08/14	79 FR 46640
Final Action	10/23/14	79 FR 63317

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gail McLarnon, *Phone:* 202–219–7048, *Email: gail.mclarnon@ed.gov.*

RIN: 1840–AD17

[FR Doc. 2014–29408 Filed 12–19–14; 8:45 am]

BILLING CODE 4000–01–P

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Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Semiannual Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Notice of semiannual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda), including its Regulatory Plan (Plan), pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act.

SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by the Energy Independence and Security Act of 2007, the American Energy Manufacturing Technical Corrections Act and programmatic needs of DOE offices.

The Internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's entire Fall 2014 Agenda can be accessed online by going to: *www.reginfo.gov.* Agenda entries reflect the status of activities as of approximately November 30, 2014.

Publication in the **Federal Register** is mandated by the Regulatory Flexibility Act (5 U.S.C. 602) only for Agenda entries that require either a regulatory flexibility analysis or periodic review under section 610 of that Act. DOE's regulatory flexibility agenda is made up of three rulemakings setting energy efficiency standards for the following products:

- Automatic Commercial Ice Makers
- Commercial Packaged Boilers
- Residential Furnace Fans

The Plan appears in both the online Agenda and the **Federal Register** and includes the most important of DOE's significant regulatory actions and a Statement of Regulatory and Deregulatory Priorities.

Steven P. Croley,

General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
272	Energy Conservation Standards for Commercial Packaged Boilers	1904–AD01

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
273	Energy Efficiency Standards for Automatic Commercial Ice Makers	1904–AC39

ENERGY EFFICIENCY AND RENEWABLE ENERGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
274	Energy Conservation Standards for Residential Furnace Fans	1904–AC22

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Prerule stage

272. Energy Conservation Standards for Commercial Packaged Boilers

Legal Authority: 42 U.S.C. 6313(a)(6)(C)

Abstract: EPCA, as amended by AEMTCA, requires the Secretary to determine whether updating the statutory energy conservation standards for commercial packaged boilers is technically feasible and economically justified. If justified, the Secretary will issue amended energy conservation standards for such equipment.

Timetable:

Action	Date	FR Cite
Notice of Proposed Determination.	08/13/13	78 FR 49202
Public Meeting; Framework Document Availability.	09/03/13	78 FR 54197
NOPD Comment Period End.	09/12/13	
Framework Document Comment Period End.	10/18/13	
Preliminary Analysis.	11/00/14	
NPRM	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raba, Office of Building Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–8654, *Email: jim.raba@ee.doe.gov.*

RIN: 1904–AD01

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

273. Energy Efficiency Standards for Automatic Commercial Ice Makers

Legal Authority: 42 U.S.C. 6313(d)(2) and (3)

Abstract: EPCA, as amended by EPACT 2005, requires the Secretary to determine whether updating the statutory standards for automatic commercial ice makers is technologically feasible and economically justified. If amended standards are technologically feaseible

and economically justified, the Secretary will issue amended standards by January 1, 2015. DOE will also consider expanding the scope of coverage for this equipment.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting: Availability of Preliminary Technical Support Document.	01/24/12	77 FR 3404
Comment Period Extended.	03/05/12	77 FR 13026
Extended Comment Period End.	04/22/12	
Public Meeting date 04/14/14.	03/17/14	79 FR 14846
NPRM	03/17/14	79 FR 14846
NPRM Comment Period End.	05/16/14	
Public Meeting Date.	06/19/14	
Notice of Data Availability.	09/11/14	79 FR 54215
Comment Period End.	10/14/14	
Final Action	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Office of Building Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AC39

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Completed Actions

274. Energy Conservation Standards for Residential Furnace Fans

Legal Authority: 42 U.S.C. 6295(f)(4)(D); 42 U.S.C. 6295(gg)(3)

Abstract: EPCA, as amended by EISA 2007, requires the Secretary to consider and prescribe energy conservation standards for ''electricity used for purposes of circulating air through ductwork'' (referred to in shorthand as ''furnace fans'').

Completed:

Reason	Date	FR Cite
Final Action	07/03/14	79 FR 38130
Final Action Effective.	09/02/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald B. Majette, *Phone:* 202 586–7935, *Email: ronald.majette@ee.doe.gov.*

RIN: 1904–AC22

[FR Doc. 2014–28961 Filed 12–19–14; 8:45 am]

BILLING CODE 6450–01–P

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Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order (EO) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

FOR FURTHER INFORMATION CONTACT: C'Reda J. Weeden, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201; (202) 690–5627.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal Government's lead agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the rulemaking activities that the Department expects to undertake in the foreseeable future to advance this mission. The Agenda furthers several Departmental goals, including strengthening health care; advancing scientific knowledge and innovation; advancing the health, safety, and well-being of the American people; increasing efficiency, transparency, and accountability of HHS programs; and strengthening the Nation's health and human services infrastructure and workforce.

HHS has an agency-wide effort to support the Agenda's purpose of encouraging more effective public participation in the regulatory process. For example, to encourage public participation, we regularly update our regulatory Web page (*http://www.HHS.gov/regulations*) which includes links to HHS rules currently open for public comment, and also provides a ''regulations toolkit'' with background information on regulations, the commenting process, how public comments influence the development of a rule, and how the public can provide effective comments. HHS also actively encourages meaningful public participation in its retrospective review of regulations, through a comment form on the HHS retrospective review Web page (*http://www.HHS.gov/RetrospectiveReview*).

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at *http://www.RegInfo.gov.*

Dated: September 22, 2014.

C'Reda J. Weeden,

Executive Secretary to the Department.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
275	SAMHSA User Fees for Publications	0930–AA18

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
276	Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
277	Over-the-Counter (OTC) Drug Review—Internal Analgesic Products	0910–AF36
278	Over-the-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products	0910–AF69
279	Abbreviated New Drug Applications and 505(b)(2)	0910–AF97
280	Updated Standards for Labeling of Pet Food	0910–AG09
281	Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals **(Reg Plan Seq No. 48)**.	0910–AG10
282	Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products	0910–AG12
283	Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products.	0910–AG18
284	Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption **(Reg Plan Seq No. 49)**.	0910–AG35
285	Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food **(Reg Plan Seq No. 50)**.	0910–AG36
286	Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives	0910–AG59
287	Foreign Supplier Verification Program **(Reg Plan Seq No. 52)**	0910–AG64
288	Format and Content of Reports Intended to Demonstrate Substantial Equivalence	0910–AG96
289	Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods	0910–AH00
290	Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System	0910–AH03
291	Mammography Quality Standards Act; Regulatory Amendments	0910–AH04
292	Investigational New Drug Application Annual Reporting	0910–AH07
293	General and Plastic Surgery Devices: Sunlamp Products	0910–AH14

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
294	Requirements for Foreign and Domestic Establishment Registration and Listing for Human Drugs, Including Drugs That Are Regulated Under a Biologics License Application, and Animal Drugs.	0910–AA49
295	Content and Format of Labeling for Human Prescription Drugs and Biologics; Requirements for Pregnancy and Lactation Labeling.	0910–AF11
296	Combinations of Bronchodilators With Nasal Decongestant; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use.	0910–AF33
297	Over-the-Counter (OTC) Drug Review—Laxative Drug Products	0910–AF38
298	Laser Products; Amendment to Performance Standard	0910–AF87
299	"Tobacco Products" Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act **(Reg Plan Seq No. 53)**.	0910–AG38
300	Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices	0910–AG48
301	Food Labeling: Calorie Labeling of Articles of Food Sold in Vending Machines **(Reg Plan Seq No. 54)**	0910–AG56
302	Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments **(Reg Plan Seq No. 55)**.	0910–AG57
303	Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products **(Reg Plan Seq No. 58)**.	0910–AG94
304	Veterinary Feed Directive **(Reg Plan Seq No. 59)**	0910–AG95
305	Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use.	0910–AH16

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
306	Food Labeling; Revision of the Nutrition and Supplement Facts Labels	0910–AF22
307	Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed At One-Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain RACCs.	0910–AF23
308	Focused Mitigation Strategies To Protect Food Against Intentional Adulteration	0910–AG63
309	Sanitary Transportation of Human and Animal Food	0910–AG98

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
310	Infant Formula: Current Good Manufacturing Practices; Quality Control Procedures; Notification Requirements; Records and Reports; and Quality Factors.	0910–AF27
311	Postmarketing Safety Reports for Human Drug and Biological Products: Electronic Submission Requirements.	0910–AF96
312	Requirements for the Submission of Data Needed to Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products.	0910–AG81

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
313	Home Health Agency Conditions of Participation (CMS–3819–F) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AG81
314	Reform of Requirements for Long-Term Care Facilities (CMS–3260–P) **(Rulemaking Resulting From a Section 610 Review) (Reg Plan Seq No. 60)**.	0938–AR61
315	Medicare Shared Savings Program; Accountable Care Organizations (CMS–1461–P) **(Section 610 Review)**.	0938–AS06
316	Hospital and Critical Access Hospital (CAH) Changes to Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–P) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AS21
317	Medicare Clinical Diagnostic Laboratory Test Payment System (CMS–1621–P)	0938–AS33
318	CY 2016 Revisions to Payment Policies under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1631–P) **(Reg Plan Seq No. 63)**.	0938–AS40
319	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2016 Rates (CMS–1632–P) **(Reg Plan Seq No. 64)**.	0938–AS41
320	CY 2016 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1633–P) **(Reg Plan Seq No. 65)**.	0938–AS42

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
321	Covered Outpatient Drugs (CMS–2345–F) **(Section 610 Review)**	0938–AQ41

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
322	Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers (CMS–3178–F).	0938–AO91
323	Adoption of Operating Rules for HIPAA Transactions (CMS–0036–IFC)	0938–AS01

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
324	Prospective Payment System for Federally Qualified Health Centers; Changes to Contracting Policies for Rural Health Clinics and CLIA Enforcement Actions for Proficiency Testing Referral (CMS–1443–FC) **(Completion of a Section 610 Review)**.	0938–AR62
325	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2015 Rates (CMS–1607–F) **(Completion of a Section 610 Review)**.	0938–AS11
326	CY 2015 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1612–FC) **(Section 610 Review)**.	0938–AS12
327	CY 2015 End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (CMS–1614–F) **(Section 610 Review)**.	0938–AS13
328	CY 2015 Hospital Outpatient Prospective Payment System (PPS) Policy Changes and Payment Rates, and CY 2015 Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1613–FC) **(Section 610 Review)**.	0938–AS15
329	Extension of Payment Adjustment for Low-Volume Hospitals and the Medicare-Dependent Hospital Program Under the FY 2014 Hospital Inpatient Prospective Payment System (CMS–1599–IFC2) **(Completion of a Section 610 Review)**.	0938–AS18

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Substance Abuse and Mental Health Services Administration (SAMHSA)

Proposed Rule Stage

275. SAMHSA User Fees for Publications

Legal Authority: 31 U.S.C. 9701; 31 U.S.C. 1111; EO 8284; EO 11541; Pub. L. 113–76

Abstract: SAMSHA is proposing to implement a modest cost recovery program to partially offset the high costs of distributing its materials to the public. This user fee would apply only to ''over-the-limit'' non-governmental orders. An ''over the limit'' order is defined as an order that exceeds either the average weight value (3.75 lbs) or the average number of copies (8). The ''non-governmental orders'' do not include: SAMHSA's Recovery Month bulk orders; orders by SAMHSA staff for meetings or conferences; and orders from ''.gov'' and ''.mil'' addresses. Therefore, it is assumed that SAMHSA would not charge shipping for orders by other Federal, State, and local government agencies. The proposed rule would implement recent legislation allowing the funds collected as part of a user fee for publications and data requests to be available to SAMHSA until expended.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Altman, Legislative Director, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 02857, *Phone:* 240 276–2009, *Email: brian.altman@samhsa.gov.*

RIN: 0930–AA18

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Proposed Rule Stage

276. Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: FDA will be proposing a rule to add the common cold indication to certain over-the-counter (OTC) antihistamine active ingredients. This proposed rule is the result of collaboration under the U.S.-Canada Regulatory Cooperation Council (RCC) as part of efforts to reduce unnecessary duplication and differences. This pilot exercise will help determine the feasibility of developing an ongoing mechanism for alignment in review and adoption of OTC drug monograph elements.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	
NPRM (Amendment) (Common Cold).	09/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF31

277. Over-the-Counter (OTC) Drug Review—Internal Analgesic Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses acetaminophen safety. The second action addresses products marketed for children under 2 years old and weight- and age-based dosing for children's products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Required Warnings and Other Labeling).	12/26/06	71 FR 77314
NPRM Comment Period End.	05/25/07	
Final Action (Required Warnings and Other Labeling).	04/29/09	74 FR 19385
Final Action (Correction).	06/30/09	74 FR 31177
Final Action (Technical Amendment).	11/25/09	74 FR 61512
NPRM (Amendment) (Pediatric).	10/00/15	
NPRM (Amendment) (Acetaminophen).	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF36

278. Over–the–Counter (OTC) Drug Review—Topical Antimicrobial Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses antimicrobial agents in healthcare antiseptic products.

Timetable:

Action	Date	FR Cite
NPRM (Healthcare).	06/17/94	59 FR 31402
Comment Period End.	12/15/95	
NPRM (Consumer Hand Wash Products).	12/17/13	78 FR 76443
NPRM (Healthcare Antiseptic).	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF69

279. Abbreviated New Drug Applications and 505(b)(2)

Legal Authority: Pub. L. 108–173, title XI; 21 U.S.C. 355; 21 U.S.C. 371

Abstract: This proposed rule would make changes to certain procedures for Abbreviated New Drug Applications and related applications to patent certifications, notice to patent owners and application holders, the availability of a 30-month stay of approval, amendments and supplements, and the types of bioavailability and bioequivalence data that can be used to support these applications.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice L. Weiner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6268, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: janice.weiner@fda.hhs.gov.*

RIN: 0910–AF97

280. Updated Standards for Labeling of Pet Food

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371; Pub. L. 110–85, sec 1002(a)(3)

Abstract: FDA is proposing updated standards for the labeling of pet food that include nutritional and ingredient information, as well as style and formatting standards. FDA is taking this action to provide pet owners and animal health professionals more complete and consistent information about the nutrient content and ingredient composition of pet food products.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Burkholder, Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 2642 (MPN–4, HFV–228), 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 453–6865, *Email: william.burkholder@fda.hhs.gov.*

RIN: 0910–AG09

281. Current Good Manufacturing Practice and Hazard Analysis and R-Based Preventive Controls for Food for Animals

Regulatory Plan: This entry is Seq. No. 48 in part II of this issue of the **Federal Register**.

RIN: 0910–AG10

282. Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will propose changes to the final monograph to address safety and efficacy issues associated with pediatric cough and cold products.

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AG12

283. Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This rule would require electronic package inserts for human drug and biological prescription products with limited exceptions, in lieu of paper, which is currently used. These inserts contain prescribing information intended for healthcare practitioners. This would ensure that the information accompanying the product is the most up-to-date information regarding important safety and efficacy issues about these products.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Megan Velez, Policy Analyst, Department of Health and Human Services, Food and Drug Administration, Office of Policy, WO 32, Room 4249, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–9301, *Email: megan.velez@fda.hhs.gov.*

RIN: 0910–AG18

284. Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption

Regulatory Plan: This entry is Seq. No. 49 in part II of this issue of the **Federal Register**.

RIN: 0910–AG35

285. Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food

Regulatory Plan: This entry is Seq. No. 50 in part II of this issue of the **Federal Register**.

RIN: 0910–AG36

286. Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives

Legal Authority: 21 U.S.C. 301 *et seq.;* 21 U.S.C. 387; The Family Smoking Prevention and Tobacco Control Act

Abstract: The Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act, requires the Food and Drug Administration to promulgate regulations that require the testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, that the Agency determines should be tested to protect the public health.

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol Drew, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AG59

287. Foreign Supplier Verification Program

Regulatory Plan: This entry is Seq. No. 52 in part II of this issue of the **Federal Register**.

RIN: 0910–AG64

288. Format and Content of Reports Intended to Demonstrate Substantial Equivalence

Legal Authority: 21 U.S.C. 387e(j); 21 U.S.C. 387j(a); secs 905(j) and 910(a) of the Federal Food, Drug, and Cosmetic Act

Abstract: This regulation would establish the format and content of reports intended to demonstrate substantial equivalence. This regulation also would provide information as to how the Agency will review and act on these submissions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gerie Voss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AG96

289. Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods

Legal Authority: Sec 206 of the Food Allergen Labeling and Consumer Protection Act; 21 U.S.C. 343(a)(1); 21 U.S.C. 321(n); 21 U.S.C. 371(a)

Abstract: This proposed rule would establish requirements concerning compliance for using a ''gluten-free'' labeling claim for those foods for which there is no scientifically valid analytical method available that can reliably detect and accurately quantify the presence of 20 parts per million (ppm) gluten in the food.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Felicia Billingslea, Director, Food Labeling and Standard Staff, Department of Health and Human Services, Food and Drug

Administration, Room 4D045, HFS 820, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1803, *Fax:* 301 436–2636, *Email: felicia.billingslea@fda.hhs.gov.*

RIN: 0910–AH00

290. Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System

Legal Authority: 21 U.S.C. 360c

Abstract: The proposed rule would establish special controls for the computed tomography (CT) X-ray system. A CT X-ray system is a diagnostic X-ray imaging system intended to produce cross-sectional images of the body through use of a computer to reconstruct an image from the same axial plane taken at different angles. High doses of ionizing radiation can cause acute (deterministic) effects such as burns, reddening of the skin, cataracts, hair loss, sterility, and, in extremely high doses, radiation poisoning. The design of a CT X-ray system should balance the benefits of the device (*i.e.,* the ability of the device to produce a diagnostic quality image) with the known risks (*e.g.,* exposure to ionizing radiation). FDA is establishing proposed special controls, which, when combined with the general controls, would provide reasonable assurance of the safety and effectiveness of a class II CT X-ray system.

Timetable:

Action	Date	FR Cite
NPRM	09/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Blake, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4426, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: erica.blake@fda.hhs.gov.*

RIN: 0910–AH03

291. Mammography Quality Standards Act; Regulatory Amendments

Legal Authority: 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

Abstract: FDA is proposing to amend its regulations governing mammography. The amendments would update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA). FDA is taking this action to address changes in mammography technology and mammography processes, such as breast density reporting, that have occurred since the regulations were published in 1997.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: nancy.pirt@fda.hhs.gov.*

RIN: 0910–AH04

292. Investigational New Drug Application Annual Reporting

Legal Authority: 21 U.S.C. 355(i); 21 U.S.C. 371(a)

Abstract: This proposed rule would revise the requirements concerning annual reports submitted to investigational new drug applications (INDs) by replacing the current annual reporting requirement with a requirement that is consistent with the format, content, and timing of submission of the development safety update report devised by the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH).

Timetable:

Action	Date	FR Cite
NPRM	09/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter A. Taschenberger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 6312, Silver Spring, MD 20993, *Phone:* 301 796–0018, *Fax:* 301 847–3529, *Email: peter.taschenberger@fda.hhs.gov.*

RIN: 0910–AH07

293. General and Plastic Surgery Devices: Sunlamp Products

Legal Authority: 21 U.S.C. 360j(e)

Abstract: This proposed rule would apply device restrictions to sunlamp products.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Gadiock, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, W0–66, Room 4432, Silver Spring, MD 20993–0002, *Phone:* 301 796–5736, *Fax:* 301 847–8145, *Email: paul.gadiock@fda.hhs.gov.*

RIN: 0910–AH14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

294. Requirements for Foreign and Domestic Establishment Registration and Listing for Human Drugs, Including Drugs That Are Regulated Under a Biologics License Application, and Animal Drugs

Legal Authority: 21 U.S.C. 321 and 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355 to 356c; 21 U.S.C. 360 and 360b; 21 U.S.C. 360c to 360f; 21 U.S.C. 360h to 360j; 21 U.S.C. 371 and 374; 21 U.S.C. 379e and 381; 21 U.S.C. 393; 15 U.S.C. 1451 to 1561; 42 U.S.C. 262 and 264; 42 U.S.C. 271

Abstract: The rule will reorganize, consolidate, clarify, and modify current regulations concerning who must register establishments and list human drugs, including certain biological drugs, and animal drugs. These regulations contain information on when, how, and where to register drug establishments and list drugs, and what information must be submitted. They also address National Drug Codes.

Timetable:

Action	Date	FR Cite
NPRM	08/29/06	71 FR 51276
NPRM Comment Period End.	02/26/07	
Final Action	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Joy, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, WO 51, Room 6254, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–2242, *Email: david.joy@fda.hhs.gov.*

RIN: 0910–AA49

295. Content and Format of Labeling for Human Prescription Drugs and Biologics; Requirements for Pregnancy and Lactation Labeling

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This final rule will amend the content and format of the ''Pregnancy,'' ''Labor and delivery,'' and ''Nursing mothers'' subsections of the ''Use in Specific Populations'' section of regulations regarding the labeling for human prescription drug and biological products to better communicate risks.

Timetable:

Action	Date	FR Cite
NPRM	05/29/08	73 FR 30831
NPRM Comment Period End.	08/27/08	
Final Action	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Schreier, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Ave., WO51, Rm. 6246, Silver Spring, MD 20993, *Phone:* 301 796–3432, *Email: kathy.schreier@fda.hhs.gov*.

RIN: 0910–AF11

296. Combinations of Bronchodilators With Nasal Decongestant; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. These actions address cough/cold drug products containing an oral bronchodilator (ephedrine and its salts) in combination with any oral nasal decongestant.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	07/13/05	70 FR 40232
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	03/19/07	72 FR 12730
Final Action (Oral Bronchodilator & Oral Nasal Decongestant).	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF33

297. Over-the-Counter (OTC) Drug Review—Laxative Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360 to 360a; 21 U.S.C. 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final rule listed will address the professional labeling for sodium phosphate drug products.

Timetable:

Action	Date	FR Cite
Final Action (Granular Psyllium).	03/29/07	72 FR 14669
NPRM (Professional Labeling—Sodium Phosphate).	02/11/11	76 FR 7743
NPRM Comment Period End.	03/14/11	
Final Action (Professional Labeling—Sodium Phosphate).	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF38

298. Laser Products; Amendment to Performance Standard

Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393

Abstract: The regulation will amend the performance standard for laser products to achieve closer harmonization between the current standard and the International Electrotechnical Commission (IEC) standard for laser products and medical laser products. The amendment is intended to update FDA's performance standard to reflect advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	06/24/13	78 FR 37723
NPRM Comment Period End.	09/23/13	
Final Action	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: nancy.pirt@fda.hhs.gov.*

RIN: 0910–AF87

299. ''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act

Regulatory Plan: This entry is Seq. No. 53 in part II of this issue of the **Federal Register**.

RIN: 0910–AG38

300. Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 360; 21 U.S.C. 360c; 21 U.S.C. 360e; 21 U.S.C. 360i; 21 U.S.C. 360j; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 21 U.S.C. 393; 42 U.S.C. 264; 42 U.S.C. 271; . . .

Abstract: This rule will amend FDA's regulations on acceptance of data from clinical investigations for medical devices to require that clinical investigations conducted outside the United States in support of a premarket approval application, humanitarian device exemption application, an investigational device exemption

application, or a premarket notification submission be conducted in accordance with good clinical practice.

Timetable:

Action	Date	FR Cite
NPRM	02/25/13	78 FR 12664
NPRM Comment Period End.	05/28/13	
Final Action	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sheila Anne Brown, Policy Analyst, Investigational Device Exemptions Staff, Department of Health and Human Services, Food and Drug Administration, WO 66, Room 1651, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6563, *Fax:* 301 847–8120, *Email: sheila.brown@fda.hhs.gov*.

RIN: 0910–AG48

301. Food Labeling: Calorie Labeling of Articles of Food Sold in Vending Machines

Regulatory Plan: This entry is Seq. No. 54 in part II of this issue of the **Federal Register**.

RIN: 0910–AG56

302. Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

Regulatory Plan: This entry is Seq. No. 55 in part II of this issue of the **Federal Register**.

RIN: 0910–AG57

303. Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products

Regulatory Plan: This entry is Seq. No. 58 in part II of this issue of the **Federal Register**.

RIN: 0910–AG94

304. Veterinary Feed Directive

Regulatory Plan: This entry is Seq. No. 59 in part II of this issue of the **Federal Register**.

RIN: 0910–AG95

305. • Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. These actions address cough/cold drug products containing an oral bronchodilator (ephedrine and its salts) in combination with any expectorant.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	07/13/05	70 FR 40232
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	03/19/07	72 FR 12730
Final Action	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AH16

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

306. Food Labeling; Revision of the Nutrition and Supplement Facts Labels

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA is amending the labeling regulations for conventional foods and dietary supplements to provide updated nutrition information on the label to assist consumers in maintaining healthy dietary practices. This rule will modernize the nutrition information found on the Nutrition Facts label, as well as the format and appearance of the label.

Timetable:

Action	Date	FR Cite
ANPRM	07/11/03	68 FR 41507
ANPRM Comment Period End.	10/09/03	
Second ANPRM	04/04/05	70 FR 17008
Second ANPRM Comment Period End.	06/20/05	
Third ANPRM	11/02/07	72 FR 62149
Third ANPRM Comment Period End.	01/31/08	
NPRM	03/03/14	79 FR 11879
NPRM Comment Period End.	06/02/14	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blakeley Fitzpatrick, Interdisciplinary Scientist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–830), HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone*: 240 402–5429, *Email*: *nutritionprogramstaff@fda.hhs.gov*.

RIN: 0910–AF22

307. Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One-Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain RACCs

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA is amending its labeling regulations for foods to provide updated Reference Amounts Customarily Consumed (RACCs) for certain food categories. This rule would provide consumers with nutrition information based on the amount of food that is customarily consumed, which would assist consumers in maintaining healthy dietary practices. In addition to updating certain RACCs, FDA is also amending the definition of single-serving containers; amending the label serving size for breath mints; and providing for dual-column labeling, which would provide nutrition information per serving and per container or unit, as applicable, under certain circumstances.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/05	70 FR 17010
ANPRM Comment Period End.	06/20/05	
NPRM	03/03/14	79 FR 11989
NPRM Comment Period End.	06/02/14	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cherisa Henderson, Nutritionist, Department of Health and Human Services, Food and Drug Administration, HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone*: 240 402–5429, *Fax*: 301 436–1191, *Email*: *nutritionprogramstaff@fda.hhs.gov*.

RIN: 0910–AF23

308. Focused Mitigation Strategies To Protect Food Against Intentional Adulteration

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 350g; 21 U.S.C. 350i; 21 U.S.C. 371; 21 U.S.C. 374; Pub. L. 111–353

Abstract: This rule would require domestic and foreign food facilities that are required to register under the Federal Food, Drug, and Cosmetic Act to address hazards that may be intentionally introduced by acts of terrorism. These food facilities would be required to identify and implement focused mitigation strategies to significantly minimize or prevent significant vulnerabilities identified at actionable process steps in a food operation.

Timetable:

Action	Date	FR Cite
NPRM	12/24/13	78 FR 78014
NPRM Comment Period Extended.	03/25/14	79 FR 16251
NPRM Comment Period End.	03/31/14	
NPRM Comment Period Extended End.	06/30/14	
Final Rule	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jody Menikheim, Supervisory General Health Scientist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–005), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone*: 240 402–1864, *Fax*: 301 436–2633, *Email*: *fooddefense@fda.hhs.gov*.

RIN: 0910–AG63

309. Sanitary Transportation of Human and Animal Food

Legal Authority: 21 U.S.C. 350e; 21 U.S.C. 373; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 371; . . .

Abstract: This rule would establish requirements for shippers, carriers by motor vehicle or rail vehicle, and receivers engaged in the transportation of food, including food for animals, to use sanitary transportation practices to ensure that food is not transported under conditions that may render the food adulterated.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/10	75 FR 22713
ANPRM Comment Period End.	08/30/10	
NPRM	02/05/14	79 FR 7005
NPRM Comment Period Extended.	05/23/14	79 FR 29699
NPRM Comment Period End.	05/31/14	
NPRM Comment Period Extended End.	07/30/14	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael E. Kashtock, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone*: 240 402–2022, *Fax*: 301 346–2632, *Email*: *michael.kashtock@fda.hhs.gov*.

RIN: 0910–AG98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

310. Infant Formula: Current Good Manufacturing Practices; Quality Control Procedures; Notification Requirements; Records And Reports; and Quality Factors

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 342; 21 U.S.C. 350a; 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) is revising its infant formula regulations to establish requirements for current good manufacturing practices (CGMP), including audits; to establish requirements for quality factors; and to amend FDA's quality control procedures, notification, and record and reporting requirements for infant formula. FDA is taking this action to improve the protection of infants who consume infant formula products.

Timetable:

Action	Date	FR Cite
NPRM	07/09/96	61 FR 36154
NPRM Comment Period End.	12/06/96	
NPRM Comment Period Reopened.	04/28/03	68 FR 22341
NPRM Comment Period Extended.	06/27/03	68 FR 38247
NPRM Comment Period End.	08/26/03	
NPRM Comment Period Reopened.	08/01/06	71 FR 43392
NPRM Comment Period End.	09/15/06	
Interim Final Rule	02/10/14	79 FR 7934
Interim Final Rule Comment Period End.	03/27/14	
Final Action	06/10/14	79 FR 33057

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Leila Beker, Biologist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–850), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1451, *Email:* *leila.beker@fda.hhs.gov*.

RIN: 0910–AF27

311. Postmarketing Safety Reports for Human Drug and Biological Products: Electronic Submission Requirements

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355 to 355a; 21 U.S.C. 356 to 356c; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 375; 21 U.S.C. 379k–l; 21 U.S.C. 379aa; 21 U.S.C. 381; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264; . . .

Abstract: The final rule would amend FDA's postmarketing safety reporting regulations for human drug and biological products to require that mandatory safety reports submitted to the Agency be transmitted in an electronic format that FDA can process, review, and archive. The rule will allow the Agency to review safety reports more quickly, to identify emerging safety problems, and disseminate safety information more rapidly in support of FDA's public health mission. The amendments also would be a key element in harmonizing FDA's postmarketing safety reporting regulations with international and International Harmonization Standards standards for the electronic submission of safety information.

Timetable:

Action	Date	FR Cite
ANPRM	11/05/98	63 FR 59746
ANPRM Comment Period End.	02/03/99	
NPRM	08/21/09	74 FR 42184
NPRM Comment Period End.	11/19/09	
Final Action	06/10/14	79 FR 33072

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Reena Raman, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6238, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–7577, *Fax:* 301 847–8440, *Email: reena.raman@fda.hhs.gov*.

RIN: 0910–AF96

312. Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products

Legal Authority: 21 U.S.C. 371; 21 U.S.C. 387s; Pub. L. 111–31

Abstract: This rule will require manufacturers and importers of tobacco products to submit certain market share data to FDA. USDA currently collects such data, but its program sunsets at the end of September 2014, and USDA will cease collection of this information. FDA is taking this action so that it may continue to calculate market share percentages needed to compute user fees.

Timetable:

Action	Date	FR Cite
NPRM	05/31/13	78 FR 32581
NPRM Comment Period End.	08/14/13	
Final Action	07/10/14	79 FR 39302

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Annette L. Marthaler, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 877 287–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AG81

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

313. Home Health Agency Conditions of Participation (CMS–3819–F) (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395x; 42 U.S.C. 1395cc(a); 42 U.S.C. 1395hh; 42 U.S.C. 1395bb

Abstract: This final rule revises the existing Conditions of Participation that Home Health Agencies must meet to participate in the Medicare program. The new requirements focus on the actual care delivered to patients by HHAs, reflect an interdisciplinary view of patient care, allow HHAs greater flexibility in meeting quality standards, and eliminate unnecessary procedural requirements. These changes are an integral part of our efforts to improve patient safety and achieve broad-based improvements in the quality of care furnished through Federal programs, while at the same time reducing procedural burdens on providers.

Timetable:

Action	Date	FR Cite
NPRM	03/10/97	62 FR 11005
NPRM Comment Period End.	06/09/97	
Second NPRM	10/09/14	79 FR 61163
Second NPRM Comment Period End.	12/08/14	
Final Action	10/00/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Danielle Shearer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards & Quality, MS: S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6617, *Email: danielle.shearer@cms.hhs.gov*.

RIN: 0938–AG81

314. Reform of Requirements for Long-Term Care Facilities (CMS–3260–P) (Rulemaking Resulting From a Section 610 Review)

Regulatory Plan: This entry is Seq. No. 60 in part II of this issue of the **Federal Register**.

RIN: 0938–AR61

315. Medicare Shared Savings Program; Accountable Care Organizations (CMS–1461–P) (Section 610 Review)

Legal Authority: PL–111–148, sec 3022

Abstract: This proposed rule addresses changes to the Medicare Shared Savings Program (Shared Savings Program), including provisions relating to the payment of Accountable Care Organizations (ACOs) participating in the Shared Savings Program. Under the Shared Savings Program, providers of services and suppliers that participate in an ACO continue to receive traditional Medicare fee for service (FFS) payments under Parts A and B and are eligible for additional payments from the ACO if they meet specified quality and savings requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Terri Postma, Medical Officer, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C5–15–24, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4169, *Email: terri.postma@cms.hhs.gov*.

RIN: 0938–AS06

316. Hospital and Critical Access Hospital (CAH) Changes To Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–P) (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh and 1395rr

Abstract: This proposed rule would update the requirements that hospitals and CAHs must meet to participate in the Medicare and Medicaid programs. These proposals are intended to conform the requirements to current standards of practice and support improvements in quality of care, reduce barriers to care, and reduce some issues that may exacerbate workforce shortage concerns.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: CDR Scott Cooper, Senior Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Mail Stop S3–01–02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9465, *Email: scott.cooper@cms.hhs.gov*.

RIN: 0938–AS21

317. • Medicare Clinical Diagnostic Laboratory Test Payment System (CMS–1621–P)

Legal Authority: Pub. L. 113–93, sec 216

Abstract: Under section 216 of the Protecting Access to Medicare Act of 2014, this proposed rule would require Medicare payment for clinical laboratory tests to be based on private payor rates beginning January 1, 2017. Beginning January 1, 2016, and every 3 years thereafter (or, annually, for certain laboratory tests), applicable laboratories must report to CMS the amount they are

paid by each private payor for a test, and the volume of such tests performed for each such payer for the period. The payment rate reported by a laboratory must reflect all discounts, rebates, coupons, and other price concessions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne Hauswald, Director, Division of Ambulatory Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, Mail Stop C4–01–26, 7500 Security Blvd., Baltimore, MD 21244, *Phone:* 410 786–4546, *Email: anne-e-tayloe.hauswald@cms.hhs.gov*.

Valerie Miller, Deputy Director, Division of Ambulatory Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, Mail Stop C4–01–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4535, *Email: valerie.miller@cms.hhs.gov*.

RIN: 0938–AS33

318. • CY 2016 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1631–P)

Regulatory Plan: This entry is Seq. No. 63 in part II of this issue of the **Federal Register**.

RIN: 0938–AS40

319. • Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2016 Rates (CMS–1632–P)

Regulatory Plan: This entry is Seq. No. 64 in part II of this issue of the **Federal Register**.

RIN: 0938–AS41

320. • CY 2016 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1633–P)

Regulatory Plan: This entry is Seq. No. 65 in part II of this issue of the **Federal Register**.

RIN: 0938–AS42

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

321. Covered Outpatient Drugs (CMS–2345–F) (Section 610 Review)

Legal Authority: Pub. L. 111– 48, secs 2501, 2503, 3301(d)(2); Pub. L. 111–152, sec 1206; Pub. L. 111–8, sec 221

Abstract: This final rule revises requirements pertaining to Medicaid reimbursement for covered outpatient drugs to implement provisions of the Affordable Care Act. This rule also revises other requirements related to covered outpatient drugs, including key aspects of Medicaid coverage, payment, and the drug rebate program.

Timetable:

Action	Date	FR Cite
NPRM	02/02/12	77 FR 5318
NPRM Comment Period End.	04/02/12	
Final Action	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Wendy Tuttle, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicaid and State Operations, Mail Stop S2–14–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–8690, *Email: wendy.tuttle@cms.hhs.gov*.

RIN: 0938–AQ41

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

322. Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers (CMS–3178–F)

Legal Authority: 42 U.S.C. 1821; 42 U.S.C. 1861ff (3)(B)(i)(ii); 42 U.S.C. 1913(c)(1) et al

Abstract: This rule finalizes emergency preparedness requirements for Medicare and Medicaid participating providers and suppliers to ensure that they adequately plan for both natural and man-made disasters and coordinate with Federal, State, tribal, regional, and local emergency preparedness systems. This rule ensures providers and suppliers are adequately prepared to meet the needs of patients, residents, clients, and participants during disasters and emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	12/27/13	78 FR 79082
NPRM Comment Period Extended.	02/21/14	79 FR 9872
NPRM Comment Period End.	03/31/14	
Final Action	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Graham, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clincial Standards and Quality, Mail Stop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244–1850, *Phone:* 410 786–8020, *Email: janice.graham@cms.hhs.gov*.

RIN: 0938–AO91

323. Adoption of Operating Rules for HIPAA Transactions (CMS–0036–IFC)

Legal Authority: Pub. L. 104–191, sec 1104

Abstract: Under the Affordable Care Act, this interim final rule adopts operating rules for HIPAA transactions for health care claims or equivalent encounter information, enrollment and disenrollment of a health plan, health plan premium payments, and referral certification and authorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Geanelle Herring, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Administrative Simplification Group, Office of E–Health Standards and Services, Mail Stop S2–26–17, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4466, *Email: geanelle.herring@cms.hhs.gov*.

RIN: 0938–AS01

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

324. Prospective Payment System for Federally Qualified Health Centers; Changes to Contracting Policies for Rural Health Clinics and CLIA Enforcement Actions for Proficiency Testing Referral (CMS–1443–FC) (Completion of a Section 610 Review)

Legal Authority: Pub. L. 111–148, sec 10501

Abstract: This final rule establishes methodology and payment rates for a prospective payment system (PPS) for Federally qualified health center (FQHC) services under Medicare Part B beginning on October 1, 2014, in compliance with the statutory requirement of the Affordable Care Act. This rule also establishes a policy which would allow rural health clinics (RHCs) to contract with nonphysician practitioners when statutory requirements for employment of nurse practitioners and physician assistants are met, and makes other technical and conforming changes to the RHC and FQHC regulations. Finally, this rule makes changes to the Clinical Laboratory Improvement Amendments (CLIA) regulations regarding enforcement actions for proficiency testing referral.

Timetable:

Action	Date	FR Cite
NPRM	09/23/13	78 FR 58386
NPRM Comment Period End.	11/18/13	
Final Rule	05/02/14	79 FR 25436
Comment Period End.	07/01/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Corinne Axelrod, Health Insurance Specialist, Hospital and Ambulatory Policy Group, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mailstop C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–5620, *Email: corinne.axelrod@cms.hhs.gov.*

RIN: 0938–AR62

325. Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2015 Rates (CMS–1607–F) (Completion of a Section 610 Review)

Legal Authority: sec 1886(d) of the Social Security Act

Abstract: This final rule revises the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule implements changes arising from our continuing experience with these systems.

Timetable:

Action	Date	FR Cite
NPRM	05/14/14	79 FR 27977
NPRM Comment Period End.	06/30/14	
Final Action	08/22/14	79 FR 49853

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Deputy Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov.*

RIN: 0938–AS11

326. CY 2015 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1612–FC) (Section 610 Review)

Legal Authority: Social Security Act, secs 1102, 1871 and 1848

Abstract: This final rule addresses changes to the physician fee schedule, and other Medicare Part B payment policies to ensure that our payment systems are updated to reflect changes in medical practice and the relative value of services, as well as changes in the statute.

Timetable:

Action	Date	FR Cite
NPRM	07/11/14	79 FR 40318
NPRM Comment Period End.	09/02/14	
Final Action	11/13/14	79 FR 67548

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Bryant, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–01–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3448, *Email: kathy.bryant@cms.hhs.gov.*

RIN: 0938–AS12

327. CY 2015 End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (CMS–1614–F) (Section 610 Review)

Legal Authority: Social Security Act, sec 1834(a)(1)(6); MIPPA, sec 153(b)

Abstract: This final rule updates and makes revisions to the End-Stage Renal Disease (ESRD) prospective payment system (PPS) for calendar year (CY) 2015. This rule also sets forth requirements for the ESRD quality incentive program (QIP), including payment years (PYs) 2017 and 2018. This rule also makes a technical correction to remove outdated terms and definitions. In addition, this rule sets forth the methodology for adjusting Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) fee schedule payment amounts using information from the Medicare DMEPOS Competitive Bidding Program (CBP); makes alternative payment rules for DME and enteral nutrition under the Medicare DMEPOS CBP; clarifies the statutory Medicare hearing aid coverage exclusion and specifies devices not subject to the hearing aid exclusion; updates the definition of minimal self-adjustment regarding what specialized training is needed by suppliers to provide custom fitting services if they are not certified orthotists; clarifies the Change of Ownership (CHOW) and provides for an exception to the current requirements; revises the appeal provisions for termination of a contract and notification to beneficiaries under the Medicare DMEPOS CBP, and adds a technical change related to submitting bids for infusion drugs under the Medicare DMEPOS CBP.

Timetable:

Action	Date	FR Cite
NPRM	07/11/14	79 FR 40208
NPRM Comment Period End.	09/02/14	
Final Action	11/06/14	79 FR 66120
Final Action Effective.	01/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michelle Cruse, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, Mail Stop C5–05–27, 7500 Security Boulevard, Baltimore,

MD 21244, *Phone:* 410 786–7540, *Email: michelle.cruse@cms.hhs.gov*.

RIN: 0938–AS13

328. CY 2015 Hospital Outpatient Prospective Payment System (PPS) Policy Changes and Payment Rates, and CY 2015 Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1613–FC) (Section 610 Review)

Legal Authority: sec 1833 of the Social Security Act

Abstract: This final rule revises the Medicare hospital outpatient prospective payment system (OPPS) and the Medicare ambulatory surgical center (ASC) payment system for CY 2015 to implement applicable statutory requirements and changes arising from our continuing experience with these systems. In this rule, we describe the changes to the amounts and factors used to determine the payment rates for Medicare services paid under the OPPS and those paid under the ASC payment system. In addition, this rule updates and refines the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

Timetable:

Action	Date	FR Cite
NPRM	07/14/14	79 FR 40916
NPRM Comment Period End.	09/02/14	
Final Action	11/13/14	79 FR 66770
Final Action Effective.	01/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marjorie Baldo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4617, *Email: marjorie.baldo@cms.hhs.gov*.

RIN: 0938–AS15

329. Extension of Payment Adjustment for Low-Volume Hospitals and the Medicare-Dependent Hospital Program Under the FY 2014 Hospital Inpatient Prospective Payment System (CMS–1599–IFC2) (Completion of a Section 610 Review)

Legal Authority: Pub. L. 113–67, secs 1105 and 1106

Abstract: This interim final rule implements changes to the payment adjustment for low-volume hospitals and to the Medicare-dependent hospital program under the hospital inpatient prospective payment systems for FY 2014 (through March 31, 2014) in accordance with sections 1105 and 1106, respectively, of the Pathway for SGR Reform Act of 2013.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/18/14	79 FR 15022
Interim Final Rule Comment Period End.	05/12/14	
Merged With 0938–AS11.	06/01/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele Hudson, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–10–07, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–5490, *Email: michele.hudson@cms.hhs.gov*.

RIN: 0938–AS18

[FR Doc. 2014–28964 Filed 12–19–14; 8:45 am]

BILLING CODE 4150–24–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part IX

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of all current and projected rulemakings, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, U.S. Department of Homeland Security, Office of the General Counsel, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sep. 19, 1980) and Executive Order 12866 ''Regulatory Planning and Review'' (Sep. 30, 1993) as incorporated in Executive Order 13563 ''Improving Regulation & Regulatory Review'' (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on June 13, 2014, at 79 FR 34068.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov.*

As part of the Unified Agenda, Federal agencies are also required to prepare a Regulatory Plan of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year. As in past years, for fall editions of the Unified Agenda, the entire Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act, are printed in the **Federal Register**.

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agenda in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, ''a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities.'' DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the Internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: September 18, 2014.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
330	Ammonium Nitrate Security Program **(Reg Plan Seq No. 68)**	1601–AA52

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

OFFICE OF THE SECRETARY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
331	Chemical Facility Anti-Terrorism Standards (CFATS)	1601–AA69

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
332	Administrative Appeals Office: Procedural Reforms to Improve Efficiency **(Reg Plan Seq No. 72)**	1615–AB98

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. COAST GUARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
333	Numbering of Undocumented Barges	1625–AA14
334	Updates to Maritime Security	1625–AB38

U.S. Coast Guard—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
335	Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System **(Reg Plan Seq No. 78)**.	1625–AA99
336	Inspection of Towing Vessels **(Reg Plan Seq No. 79)**	1625–AB06
337	Transportation Worker Identification Credential (TWIC); Card Reader Requirements **(Reg Plan Seq No. 80)**.	1625–AB21
338	MARPOL Annex 1 Update	1625–AB57
339	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Coast Guard—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
340	Outer Continental Shelf Activities	1625–AA18

U.S. Coast Guard—Completed Actions

Sequence No.	Title	Regulation Identifier No.
341	Lifesaving Devices: Uninspected Vessels, Commercial Barges, and Sailing Vessels **(Completion of a Section 610 Review)**.	1625–AB83

U.S. Customs and Border Protection—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
342	Implementation of the Guam-CNMI Visa Waiver Program **(Section 610 Review) (Reg Plan Seq No. 84)**	1651–AA77

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Customs and Border Protection—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
343	Importer Security Filing and Additional Carrier Requirements **(Section 610 Review)**	1651–AA70

Transportation Security Administration—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
344	Security Training for Surface Mode Employees **(Reg Plan Seq No. 86)**	1652–AA55
345	Standardized Vetting, Adjudication, and Redress Services **(Reg Plan Seq No. 87)**	1652–AA61

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

Transportation Security Administration—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
346	General Aviation Security and Other Aircraft Operator Security	1652–AA53

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Final Rule Stage

330. Ammonium Nitrate Security Program

Regulatory Plan: This entry is Seq. No. 68 in part II of this issue of the **Federal Register**.

RIN: 1601–AA52

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Long-Term Actions

331. Chemical Facility Anti-Terrorism Standards (CFATS)

Legal Authority: sec 550 of the Department of Homeland Security Appropriations Act of 2007 Pub. L. 109–295, as amended.

Abstract: Earlier this year the Department of Homeland Security (DHS) invited public comment on an advance notice of proposed rulemaking (ANPRM) for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. DHS believes this ANPRM provides expanded opportunities for DHS to hear and consider the views of interested members of the public on their recommendations for possible program changes.

Timetable:

Action	Date	FR Cite
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20598–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4712, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA69

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

332. Administrative Appeals Office: Procedural Reforms to Improve Efficiency

Regulatory Plan: This entry is Seq. No. 72 in part II of this issue of the **Federal Register**.

RIN: 1615–AB98

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

333. Numbering of Undocumented Barges

Legal Authority: 46 U.S.C. 12301.

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system and user fees for an original or renewed Certificate of Number for these barges. The numbering of undocumented barges allows the Coast Guard to identify the owners of abandoned barges. This rulemaking supports the Coast Guard's broad role and responsibility of protecting natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments.	10/18/94	59 FR 52646
Comment Period End.	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End.	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End.	04/11/01	
NPRM Reopening of Comment Period.	08/12/04	69 FR 49844
NPRM Reopening Comment Period End.	11/10/04	
Supplemental NPRM.	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Denise Harmon, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419, *Phone:* 304 271–2506, *Email: denise.e.harmon@uscg.mil.*

RIN: 1625–AA14

334. Updates to Maritime Security

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191 and 192; EO 12656; 3 CFR 1988 Comp p 585; 33 CFR 1.05–1; 33 CFR 6.04–11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No 0170.1.

Abstract: The Coast Guard proposes certain additions, changes, and amendments to 33 CFR, subchapter H. Subchapter H is comprised of parts 101 through 106. Subchapter H implements the major provisions of the Maritime Transportation Security Act of 2002 (MTSA). This rulemaking is the first major revision to subchapter H. The proposed changes would further the goals of domestic compliance and international cooperation by incorporating requirements from legislation implemented since the original publication of these regulations, such as the Security and Accountability for Every (SAFE) Port Act of 2006, and including international standards such as Standards of Training, Certification & Watchkeeping security training. This rulemaking has international interest because of the close relationship between subchapter H and the International Ship and Port Security Code (ISPS).

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Kevin McDonald, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr Ave, SE., Commandant (CG–FAC–2), STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1168, *Email: kevin.j.mcdonald@uscg.mil.*

RIN: 1625–AB38

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Final Rule Stage

335. Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System

Regulatory Plan: This entry is Seq. No. 78 in part II of this issue of the **Federal Register**.

RIN: 1625–AA99

336. Inspection of Towing Vessels

Regulatory Plan: This entry is Seq. No. 79 in part II of this issue of the **Federal Register**.

RIN: 1625–AB06

337. Transportation Worker Identification Credential (TWIC); Card Reader Requirements

Regulatory Plan: This entry is Seq. No. 80 in part II of this issue of the **Federal Register**.

RIN: 1625–AB21

338. Marpol Annex 1 Update

Legal Authority: 33 U.S.C. 1902; 46 U.S.C. 3306

Abstract: In this rulemaking, the Coast Guard would amend the regulations in subchapter O (Pollution) of title 33 of the CFR, including regulations on vessels carrying oil, oil pollution prevention, oil transfer operations, and rules for marine environmental protection regarding oil tank vessels, to reflect changes to international oil pollution standards adopted since 2004. Additionally, this regulation would update shipping regulations in title 46 to require Material Safety Data Sheets, in accordance with international agreements, to protect the safety of mariners at sea.

Timetable:

Action	Date	FR Cite
NPRM	04/09/12	77 FR 21360
NPRM Comment Period End.	07/26/12	
Comment Period Extended.	09/07/12	77 FR 43741
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR William Nabach, Project Manager, Office of Design & Engineering Standards, CG–OES–2, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1386, *Email: william.a.nabach@uscg.mil.*

RIN: 1625–AB57

339. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

Legal Authority: Pub. L. 111–281; title VI (Marine Safety)

Abstract: The Coast Guard is implementing those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard maritime safety mission.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jack Kemerer, Project Manager, CG–CVC–43, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1249, *Email: jack.a.kemerer@uscg.mil.*

RIN: 1625–AB85

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

340. Outer Continental Shelf Activities

Legal Authority: 43 U.S.C. 1333(d)(1); 43 U.S.C. 1348(c); 43 U.S.C. 1356; DHS Delegation No 0170.1

Abstract: The Coast Guard is the lead Federal agency for workplace safety and health on facilities and vessels engaged in the exploration for, or development, or production of, minerals on the Outer Continental Shelf (OCS), other than for matters generally related to drilling and production that are regulated by the Bureau of Safety and Environmental Enforcement (BSEE). This project would revise the regulations on OCS activities by: (1) Adding new requirements, for OCS units for lifesaving, fire protection, training, and helidecks; (2) providing for USCG acceptance and approval of specified classification society plan reviews, inspections, audits, and surveys; and (3) requiring foreign vessels engaged in OCS activities to comply with rules similar to those imposed on U.S. vessels similarly engaged. This project would affect the owners and operators of facilities and vessels engaged in offshore activities.

Timetable:

Action	Date	FR Cite
Request for Comments.	06/27/95	60 FR 33185
Comment Period End.	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended.	03/16/00	65 FR 14226
NPRM Comment Period Extended.	06/30/00	65 FR 40559
NPRM Comment Period End.	11/30/00	
Supplemental NPRM.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Rawson, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–ENG–2), 2703 Martin Luther King Jr Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1390, *Email: charles.e.rawson@uscg.mil.*

RIN: 1625–AA18

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Completed Actions

341. Lifesaving Devices: Uninspected Vessels, Commercial Barges, and Sailing Vessels (Completion of a Section 610 Review)

Legal Authority: 46 U.S.C. 2103; 46 U.S.C. 4102; Department of Homeland Security Delegation No 0170.1(92)(a), (92)(b)

Abstract: The Coast Guard is aligning its regulations with the 2010 Coast Guard Authorization Act. Before 2010, uninspected commercial barges and uninspected commercial sailing vessels fell outside the scope of a statute requiring the regulation of lifesaving devices on uninspected vessels. Lifesaving devices were required on these vessels only if they carried passengers for hire. The 2010 Act brought these vessels within the scope of the statutory requirement to carry lifesaving devices even if they carry no passengers. The Coast Guard is requiring the use of wearable personal flotation devices for individuals on board uninspected commercial barges and sailing vessels, and amending several regulatory tables to reflect that requirement. This rulemaking promotes the Coast Guard's maritime safety mission.

Timetable:

Action	Date	FR Cite
NPRM	07/17/13	78 FR 42739
NPRM Comment Period End.	10/15/13	
Final Rule	09/10/14	79 FR 53621
Final Rule Effective.	10/10/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Martin L. Jackson, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–ENG–4), 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1391, *Email: martin.l.jackson@uscg.mil.*

RIN: 1625–AB83

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Final Rule Stage

342. Implementation of the Guam–CNMI Visa Waiver Program (Section 610 Review)

Regulatory Plan: This entry is Seq. No. 84 in part II of this issue of the **Federal Register**.

RIN: 1651–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Long-Term Actions

343. Importer Security Filing And Additional Carrier Requirements (Section 610 Review)

Legal Authority: Pub. L. 109–347, sec 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

Abstract: This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, CBP published an interim final rule (CBP Dec. 08–46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the NPRM. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements, is conducting a structured review, and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. [See 73 FR 71782–85 for regulatory text and 73 CFR 71733–34 for general discussion.] The remaining requirements of the rule were adopted as final. CBP plans to issue a final rule after CBP completes a structured review of the flexibilities and analyzes the comments.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Craig Clark, Program Manager, Vessel Manifest & Importer Security Filing, Office of Cargo and Conveyance Security, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–3052, *Email: craig.clark@cbp.dhs.gov.*

RIN: 1651–AA70

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Proposed Rule Stage

344. Security Training for Surface Mode Employees

Regulatory Plan: This entry is Seq. No. 86 in part II of this issue of the **Federal Register.**

RIN: 1652–AA55

345. Standardized Vetting, Adjudication, and Redress Services

Regulatory Plan: This entry is Seq. No. 87 in part II of this issue of the **Federal Register.**

RIN: 1652–AA61

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Long-Term Actions

346. General Aviation Security and Other Aircraft Operator Security

Legal Authority: 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105

Abstract: On October 30, 2008, the Transportation Security Administration (TSA) issued a notice of proposed rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements, and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certificated takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs. After considering comments received on the NPRM and sponsoring public meetings with stakeholders, TSA decided to revise the original proposal to tailor security requirements to the general aviation industry. TSA is preparing a supplemental NPRM (SNPRM), which will include a comment period for public comments. TSA is considering the following proposed provisions in the SNPRM: (1) security measures for foreign aircraft operators commensurate with measures for U.S. operators, (2) the type of aircraft subject to TSA regulation, (3) compliance oversight, (4) watch list matching of passengers, (5) scope of the background check requirements and the procedures used to implement the requirement, and (6) other issues.

Timetable:

Action	Date	FR Cite
NPRM	10/30/08	73 FR 64790
NPRM Comment Period End.	12/29/08	
Notice—NPRM Comment Period Extended.	11/25/08	73 FR 71590

Action	Date	FR Cite
NPRM Extended Comment Period End.	02/27/09	
Notice—Public Meetings; Requests for Comments.	12/18/08	73 FR 77045
Supplemental NPRM.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Knott, Manager, Industry Engagement Branch—Aviation Division, Department of Homeland Security, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22304, *Phone:* 571 227–4370, *Email: kevin.knott@dhs.gov.*

Monica Grasso Ph.D., Manager, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov.*

Denise Daniels, Attorney–Advisor, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3443, *Fax:* 571 227–1381, *Email: denise.daniels@tsa.dhs.gov.*

RIN: 1652–AA53

[FR Doc. 2014–28967 Filed 12–19–14; 8:45 am]

BILLING CODE 9110–9B–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between fall 2014 and fall 2015. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: You should direct all comments and inquiries about these rules to the appropriate agency contact. You should direct general comments relating to the agenda to the Office of Executive Secretariat, Department of the Interior, at the address above or at 202–208–3181.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects.

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Department's Statement of Regulatory Priorities is included in the Plan.

John Strylowski,

Alternate Federal Register Liaison Officer.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
347	Blowout Prevention Systems and Well Control	1014–AA11

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
348	Production Safety Systems and Lifecycle Analysis	1014–AA10

UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
349	National Wildlife Refuge System; Oil and Gas Regulations	1018–AX36

UNITED STATES FISH AND WILDLIFE SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
350	Injurious Wildlife Evaluation; Constrictor Species From Python, Boa, and Eunectes Genera	1018–AV68

NATIONAL PARK SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
351	Non-Federal Oil and Gas Rights	1024–AD78

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
352	Stream Protection Rule	1029–AC63

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Proposed Rule Stage

347. Blowout Prevention Systems and Well Control

Legal Authority: 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: This proposed rule would upgrade regulations related to the design, manufacture, and repair of blowout preventers (BOPs) in response to numerous recommendations. In addition to BOPs, the proposed rule will address well design, well control, safe drilling margins, casing, cementing, real-time monitoring, and subsea containment. The proposed rule will address many of the issues raised following the Deepwater Horizon incident and from experts through a public forum held May 22, 2012.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	
Final Action	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy White, Chief, Regulations and Standards Branch, Department of the Interior, 381 Elden Street, Herndon, VA 20170, *Phone:* 703 787–1665, *Fax:* 703 787–1555, *Email: amy.white@bsee.gov*.

RIN: 1014–AA11

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Final Rule Stage

348. Production Safety Systems and Lifecycle Analysis

Legal Authority: 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: This proposed rule would amend and update the regulations regarding oil and natural gas production. This rewrite of subpart H regulations would address issues such as production safety systems, subsurface safety devices, and safety device testing. The rule has been expanded to differentiate the requirements for operating dry tree and wet tree production systems on the Outer Continental Shelf (OCS). This rule would also propose an expanded use of lifecycle analysis of critical equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/22/13	78 FR 52240
NPRM Comment Period End.	12/05/13	
Final Action	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy White, Chief, Regulations and Standards Branch, Department of the Interior, 381 Elden Street, Herndon, VA 20170, *Phone:* 703 787–1665, *Fax:* 703 787–1555, *Email: amy.white@bsee.gov*.

RIN: 1014–AA10

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

349. National Wildlife Refuge System; Oil and Gas Regulations

Legal Authority: 16 U.S.C. 668dd to ee; 42 U.S.C. 7401 *et seq.;* 16 U.S.C. 1131 to 1136; 40 CFR 51.300 to 51.309

Abstract: We propose regulations that ensure that all operators conducting oil or gas operations within a National Wildlife Refuge System unit do so in a manner as to prevent or minimize damage to National Wildlife Refuge System resources, visitor values, and management objectives. FWS does not intend these regulations to result in a taking of a property interest, but rather to impose reasonable controls on operations that affect Federally-owned or controlled lands, and/or waters.

Timetable:

Action	Date	FR Cite
ANPRM	02/24/14	79 FR 10080
ANPRM Comment Period End.	04/25/14	
ANPRM Comment Period Re-opened.	06/09/14	79 FR 32903
ANPRM Comment Period Reopen-ing End.	07/09/14	
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Salem, Conservation Policy Analyst, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: NWRS, Falls Church, VA 22041–3808, *Phone:* 703 358–2397, *Email: brian_salem@fws.gov.*

Scott Covington, Refuge Energy Program Coordinator, Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge System, 5275 Leesburg Pike., MS: NWRS, Falls Church, VA 22041–3808, *Phone:* 703 358–2427, *Email: scott_covington@fws.gov.*

RIN: 1018–AX36

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Final Rule Stage

350. Injurious Wildlife Evaluation; Constrictor Species From Python, Boa, and Eunectes Genera

Legal Authority: 18 U.S.C. 42

Abstract: We are making a final determination on the listing of five species of large constrictor snakes as injurious wildlife under the Lacey Act: Reticulated python, DeSchauensee's anaconda, green anaconda, Beni anaconda, and boa constrictor.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5784
ANPRM Comment Period End.	04/30/08	
NPRM	03/12/10	75 FR 11808
NPRM Comment Period End.	05/11/10	
NPRM Comment Period Re-opened.	07/01/10	75 FR 38069
NPRM Comment Period Re-opened End.	08/02/10	
Final Action	01/23/12	77 FR 3330
Final Action Effec-tive.	03/23/12	
NPRM Comment Period Reopen-ing.	06/24/14	79 FR 35719
NPRM Comment Period Reopen-ing End.	07/24/14	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Susan Jewell, Fish and Wildlife Biologist, Department of the Interior, United States Fish and Wildlife Service, Fish and Aquatic Conservation, 5275 Leesburg Pike, MS: FAC, Falls Church, VA 22041–3808, *Phone:* 703 358–2416, *Fax:* 703 358–2044, *Email: susan_jewell@fws.gov.*

RIN: 1018–AV68

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Proposed Rule Stage

351. Non-Federal Oil and Gas Rights

Legal Authority: 16 U.S.C. 1 *et seq.;* 16 U.S.C. 1901 *et seq.*

Abstract: This rule would accommodate new technology and industry practices, eliminate regulatory exemptions, update requirements, remove caps on bond amounts, and allow NPS to recover administrative costs. The changes make the regulations more effective and efficient and maintain the highest level of protection compatible with park resources and values.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/09	74 FR 61596
ANPRM Comment Period End.	01/25/10	
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ed Kassman, Regulatory Specialist, Department of the Interior, National Park Service, 12795 West Alameda Parkway, Lakewood, CA 80225, *Phone:* 303 969–2146, *Email: edward_kassman@nps.gov.*

RIN: 1024–AD78

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

352. Stream Protection Rule

Legal Authority: 30 U.S.C. 1201 *et seq.*

Abstract: On August 12, 2009, the U.S. District Court for the District of Columbia denied the Government's request that the court vacate and remand the Excess Spoil/Stream Buffer Zone rule published on December 12, 2008. Therefore, the Department intends to initiate notice and comment rulemaking to address issues arising from previous rulemakings. The Agency also intends to prepare a new environmental impact statement.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/09	74 FR 62664
ANPRM Comment Period End.	12/30/09	
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, *Phone:* 202 208–2829, *Email: drice@osmre.gov.*

RIN: 1029–AC63

[FR Doc. 2014–28968 Filed 12–19–14; 8:45 am]

BILLING CODE 4310–05–P

FEDERAL REGISTER

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No. 245 December 22, 2014

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I, V

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its fall 2014 regulatory agenda pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Department of Justice's Statement of Regulatory Priorities is included in the Plan.

Beginning with the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Justice's regulatory plan.

Dated: September 24, 2014

Elana Tyrangiel,

Principal Deputy Assistant Attorney General, Office of Legal Policy.

DRUG ENFORCEMENT ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
353	Disposal of Controlled Substances	1117–AB18

DEPARTMENT OF JUSTICE (DOJ)

Drug Enforcement Administration (DEA)

Completed Actions

353. Disposal of Controlled Substances

Legal Authority: 21 U.S.C. 821; 21 U.S.C. 822; 21 U.S.C. 823; 21 U.S.C. 827; 21 U.S.C. 828; 21 U.S.C. 871; 21 U.S.C. 958

Abstract: This action would finalize requirements governing the safe and secure disposal of controlled substances by DEA registrants and ultimate users. This final rule would implement the Secure and Responsible Drug Disposal Act of 2010 by providing ultimate users safe and convenient options to transfer controlled substances for the purpose of disposal. The rule would reorganize and consolidate existing regulations concerning disposal (including the role of reverse distributors) and establish a comprehensive regulatory framework for the collection and destruction of controlled substances consistent with the Controlled Substances Act.

Completed:

Reason	Date	FR Cite
Final Action	09/09/14	79 FR 53520
Final Action Effective.	10/09/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ruth A. Carter, *Phone:* 202 598–6812.

RIN: 1117–AB18

[FR Doc. 2014–28981 Filed 12–19–14; 8:45 am]

BILLING CODE 4410–BP–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor

ACTION: Semiannual regulatory agenda.

SUMMARY: The Internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** Notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT: Kathleen Franks, Director, Office of Regulatory Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–2312, Washington, DC 20210; (202) 693–5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. There is only one item on the Department of Labor's Regulatory Flexibility Agenda:

Occupational Safety and Health Administration

Bloodborne Pathogens (RIN 1218–AC34)

In addition, the Department's Regulatory Plan, also a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The Regulatory Plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

Thomas E. Perez,
Secretary of Labor.

WAGE AND HOUR DIVISION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
354	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.	1235–AA11

EMPLOYMENT AND TRAINING ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
355	Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program	1205–AB72
356	Workforce Innovation and Opportunity Act (**Reg Plan Seq No. 96**)	1205–AB73

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
357	Bloodborne Pathogens (**Section 610 Review**)	1218–AC34
358	Infectious Diseases (**Reg Plan Seq No. 101**)	1218–AC46

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
359	Occupational Exposure to Crystalline Silica (**Reg Plan Seq No. 102**)	1218–AB70
360	Occupational Exposure to Beryllium	1218–AB76

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
361	Confined Spaces in Construction	1218–AB47

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
362	Combustible Dust	1218–AC41
363	Injury and Illness Prevention Program	1218–AC48
364	Preventing Backover Injuries and Fatalities	1218–AC51

DEPARTMENT OF LABOR (DOL)

Wage and Hour Division (WHD)

Proposed Rule Stage

354. Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees

Legal Authority: 29 U.S.C. 213(a)(1) (Fair Labor Standards Act)

Abstract: The Fair Labor Standards Act (FLSA) section 13(a)(1) provides a minimum wage and overtime exemption for any employee employed in a bona fide executive, administrative, professional capacity, or in the capacity of an outside salesperson. President Barack Obama issued a memorandum to the Secretary of Labor on March 13, 2014, directing the Secretary to modernize and streamline the existing overtime regulations for executive, administrative, and professional employees. The Department of Labor last updated these regulations in 2004.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Ziegler, Director, Division of Regulations, Legislation, and Interpretation, Department of Labor, 200 Constitution Avenue NW., FP Building, Room S–3502, Washington, DC 20210, *Phone:* 202 693–0406, *Fax:* 202 693–1387.

RIN: 1235–AA11

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Proposed Rule Stage

355. Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program

Legal Authority: 8 U.S.C. 1101(a)(15)(H)(ii(B); 8 U.S.C. 1148(c); 29 U.S.C. 49k; 8 CFR 214.2(h)(6)(iii)

Abstract: The Immigration and Nationality Act (INA) establishes the H–2B visa classification for a non-agricultural temporary worker ''having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform . . . temporary [non-agricultural] service or labor if unemployed persons capable of performing such service or labor cannot be found in this country[.]'' 8 U.S.C. 1101(a)(15)(H)(ii)(b). The INA also requires an importing employer (H–2B employer) to petition the Department of Homeland Security (DHS) for classification of the prospective temporary worker as an H–2B nonimmigrant, and DHS must approve such petition before the beneficiary can be considered eligible for an H–2B visa or H–2B status. 8 U.S.C. 1184(c)(1). The INA further requires DHS to consult with ''appropriate agencies of the Government'' before adjudicating an H–2B petition, and DHS has determined that it must consult with the Department of Labor (DOL) to determine whether U.S. workers capable of performing the temporary services or labor are available and that the foreign worker's employment will not adversely affect the wages or working conditions of similarly employed U.S. workers. 8 CFR 214.2(h)(6)(iii)(A). DHS's regulation requires H–2B employers to obtain certification from DOL that these conditions are met prior to submitting a petition to DHS. Id. As part of DOL's certification, DHS requires DOL to determine the prevailing wage applicable to an application for temporary labor certification. 8 CFR 214.2(h)(6)(iii)(D). DOL has established procedures to certify whether a qualified U.S. worker is available to fill the petitioning H–2B employer's job opportunity and whether foreign worker's employment in the job opportunity will adversely affect the wages or working conditions of similarly employed U.S. workers. See 20 CFR part 655, subpart A. As part of DOL's labor certification process and, pursuant to the DHS regulations, 8 CFR 214.2(h)(6)(iii)(D), DOL sets the wage that employers must offer and pay foreign workers entering the country on an H–2B visa. See 20 CFR 655.10. DOL revised the wage methodology used in the H–2B program in 2011, and jointly with the Department of Homeland Security again in 2013. The later action was an interim final rule (IFR) in response to a court order. However, DOL requested and received comments on all aspects of the 2013 revisions to the H–2B wage methodology in the IFR. DOL has determined that further notice and comment is appropriate on the proper methodology for determining the prevailing wage in the H–2B program, and will consider comments submitted in conjunction with the IFR together with comments submitted on this new proposal in order to issue a final rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lauren Bernstein, Acting Manager, Division of Policy, Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, 200 Constitution Avenue NW., Room C–4312, FP Building, Washington, DC

20210, *Phone:* 202 693–3010, *Email: bernstein.lauren@dol.gov*.

RIN: 1205–AB72

356. • Workforce Innovation and Opportunity Act

Regulatory Plan: This entry is Seq. No. 96 in part II of this issue of the **Federal Register**.

RIN: 1205–AB73

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

357. Bloodborne Pathogens (Section 610 Review)

Legal Authority: 5 U.S.C. 533; 5 U.S.C. 610; 29 U.S.C. 655(b)

Abstract: OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

Timetable:

Action	Date	FR Cite
Begin Review	10/22/09	
Request for Comments Published.	05/14/10	75 FR 27237
Comment Period End.	08/12/10	
End Review and Issue Findings.	05/00/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Francis Yebesi, Acting Director, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Bld, Rm N–3641, Washington, DC 20210, *Phone:* 202 693–2400, *Fax:* 202 693–1641, *Email: yebesi.francis@dol.gov.*

RIN: 1218–AC34

358. Infectious Diseases

Regulatory Plan: This entry is Seq. No. 101 in part II of this issue of the **Federal Register**.

RIN: 1218–AC46

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

359. Occupational Exposure to Crystalline Silica

Regulatory Plan: This entry is Seq. No. 102 in part II of this issue of the **Federal Register**.

RIN: 1218–AB70

360. Occupational Exposure to Beryllium

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard for permissible exposure limit (PEL) to beryllium by the United Steel Workers (formerly the Paper Allied-Industrial, Chemical, and Energy Workers Union), Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage. On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium, including: current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected worksites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008. OSHA also completed a scientific peer review of its draft risk assessment.

Timetable:

Action	Date	FR Cite
Request for Information.	11/26/02	67 FR 70707
Request For Information Comment Period End.	02/24/03	
SBREFA Report Completed.	01/23/08	
Initiated Peer Review of Health Effects and Risk Assessment.	03/22/10	
Complete Peer Review.	11/19/10	
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AB76

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

361. Confined Spaces in Construction

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333

Abstract: In 1993, OSHA issued a rule to protect employees who enter confined spaces while engaged in general industry work (29 CFR 1910.146). This standard has not been extended to cover employees entering confined spaces while engaged in construction work because of unique characteristics of construction work sites. Pursuant to discussions with the United Steel Workers of America that led to a settlement agreement regarding the general industry standard, OSHA agreed to issue a proposed rule to protect construction workers in confined spaces.

Timetable:

Action	Date	FR Cite
SBREFA Panel Report.	11/24/03	
NPRM	11/28/07	72 FR 67351
NPRM Comment Period End.	01/28/08	
NPRM Comment Period Extended.	02/28/08	73 FR 3893
Public Hearing	07/22/08	
Close Record	10/23/08	
Final Rule	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jim Maddux, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, FP Building, Room N–3468, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–2020, *Fax:*

202 693–1689, *Email: maddux.jim@dol.gov.*

RIN: 1218–AB47

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Long-Term Actions

362. Combustible Dust

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: Occupational Safety and Health Administration (OSHA) has commenced rulemaking to develop a combustible dust standard for general industry. The U.S. Chemical Safety Board (CSB) completed a study of combustible dust hazards in late 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured another 718. Based on these findings, the CSB recommended the Agency pursue a rulemaking on this issue. OSHA has previously addressed aspects of this risk. For example, on July 31, 2005, OSHA published the Safety and Health Information Bulletin, ''Combustible Dust in Industry: Preventing and Mitigating the Effects of Fire and Explosions.'' Additionally, OSHA implemented a Combustible Dust National Emphasis Program (NEP) on March 11, 2008, launched a new Web page, and issued several other guidance documents. However, the Agency does not have a comprehensive standard that addresses combustible dust hazards.

OSHA will use the information gathered from the NEP to assist in the development of this rule. OSHA published an ANPRM October 21, 2009. Additionally, stakeholder meetings were held in Washington, DC, on December 14, 2009, in Atlanta, GA, on February 17, 2010, and in Chicago, IL, on April 21, 2010. A webchat for combustible dust was also held on June 28, 2010, and an expert forum was convened on May 13, 2011.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/09	74 FR 54333
Stakeholder Meetings.	12/14/09	
ANPRM Comment Period End.	01/19/10	
Stakeholder Meetings.	02/17/10	
Stakeholders Meetings.	03/09/10	75 FR 10739
Initiate SBREFA	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC41

363. Injury and Illness Prevention Program

Legal Authority: 29 U.S.C. 653; 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: OSHA is developing a rule requiring employers to implement an Injury and Illness Prevention Program. It involves planning, implementing, evaluating, and improving processes and activities that protect employee safety and health. OSHA has substantial data on reductions in injuries and illnesses from employers who have implemented similar effective processes. The Agency currently has voluntary Safety and Health Program Management Guidelines (54 FR 3904 to 3916), published in 1989. An injury and illness prevention program rule would build on these guidelines as well as lessons learned from successful approaches and best practices under OSHA's Voluntary Protection Program, Safety and Health Achievement Recognition Program, and similar industry and international initiatives such as American National Standards Institute/American Industrial Hygiene Association Z10, and Occupational Health and Safety Assessment Series 18001.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings.	06/03/10	75 FR 35360 and 75 FR 23637
Initiate SBREFA.	01/06/12	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC48

364. Preventing Backover Injuries and Fatalities

Legal Authority: 29 U.S.C. 655(b)

Abstract: OSHA published an RFI (77 FR 18973; March 29, 2012) that sought information on two subjects: 1) Preventing backover injuries; and 2) the hazards and risks of reinforcing concrete operations in construction, including post-tensioning. Backing vehicles and equipment are common causes of struck-by injuries and can also cause caught-between injuries when backing vehicles and equipment pin a worker against an object. Struck-by injuries and caught-between injuries are two of the four leading causes of workplace fatalities. The Bureau of Labor Statistics reports that in 2011, 75 workers were fatally backed over while working. While many backing incidents can prove to be fatal, workers can suffer severe, non-fatal injuries as well. A review of OSHA's Integrated Management Information System (IMIS) database found that backing incidents can result in serious injury to the back and pelvis, fractured bones, concussions, amputations, and other injuries. Emerging technologies in the field of backing operations may prevent incidents. The technologies include cameras and proximity detection systems. The use of spotters and internal traffic control plans can also make backing operations safer. The Agency has held stakeholder meetings on backovers, and is conducting site visits to employers.

Timetable:

Action	Date	FR Cite
Request for Information.	03/29/12	77 FR 18973
Comment Period End.	07/27/12	
Initiate SBREFA	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jim Maddux, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, FP Building, Room N–3468, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: maddux.jim@dol.gov.*

RIN: 1218–AC51

[FR Doc. 2014–28971 Filed 12–19–14; 8:45 am]

BILLING CODE 4510–04–P

FEDERAL REGISTER

Vol. 79 Monday,
No. 245 December 22, 2014

Part XIII

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[OST Docket 99–5129]

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Brett Jortland, Acting Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 366–4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755–7687.

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SUPPLEMENTARY INFORMATION:

Background

Improvement of our regulations is a prime goal of the Department of Transportation (Department or DOT). Our regulations should be clear, simple, timely, fair, reasonable, and necessary. They should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed. To view additional information about the Department's regulatory activities online, go to *http://www.dot.gov/regulations.* Among other things, this Web site provides a report, updated monthly, on the status of the DOT significant rulemakings listed in the semiannual regulatory agenda.

To help the Department achieve these goals, and in accordance with Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by OST.

The Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the Internet.

Significant/Priority Rulemakings

The Agenda covers all rules and regulations of the Department. We have classified rules as a DOT agency priority in the Agenda if they are, essentially, very beneficial, controversial, or of substantial public interest under our Regulatory Policies and Procedures. All DOT agency priority rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decided a rule is subject to its review under Executive Order 12866, we have classified it as significant in the Agenda.

Explanation of Information on the Agenda

An Office of Management and Budget memorandum, dated August 25, 2014, requires the format for this Agenda.

First, the Agenda is divided by initiating offices. Then, the Agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the Agenda provides the following information: (1) Its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (*e.g.,* NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office

will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled ''Additional Information.'' One such example of this is the letters ''SB,'' ''IC,'' and ''SLT.'' These refer to information used as part of our required reports on Retrospective Review of DOT rulemakings. A ''Y'' or an ''N,'' for yes and no, respectively, follow the letters to indicate whether or not a particular rulemaking would have effects on: Small businesses (SB); information collections (IC); or State, local, or tribal (SLT) governments.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which we expect to make a decision on whether to issue it. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

Request for Comments

General

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D. In response to Executive Order 13563 ''Retrospective Review and Analysis of Existing Rules,'' we have prepared a retrospective review plan providing more detail on the process we use to conduct reviews of existing rules, including changes in response to Executive Order 13563. We provided the public opportunities to comment at *www.regulations.gov* and Idea Scale on both our process and any existing DOT rules the public thought needed review. The plan and the results of our review can be found at *http://www.dot.gov/regulations* and *http://www.dot.gov/mission/open/open-government.*

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an accountable process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive Orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: September 23, 2014.

Anthony R. Foxx,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are available through the Internet at *http://www.regulations.gov.* See appendix C for more information.

(Name of contact person), (Name of the DOT agency), 1200 New Jersey Avenue SE., Washington, DC 20590. (For the Federal Aviation Administration, substitute the following address: Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591).

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Mark Bury, Chief Counsel, International Law, Legislation and Regulations Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone (202) 267–3110.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–2992.

FRA—Kathryn Shelton, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room W31–214, Washington, DC 20590; telephone (202) 493–6063.

FTA—Bonnie Graves, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room E56–308, Washington, DC 20590; telephone (202) 366–0675.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764–3200.

PHMSA—Karin Christian, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4400.

MARAD—Christine Gurland, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–5157.

OST—Brett Jortland, Office of Regulation and Enforcement, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the Internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov.* The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at, or deliver comments on proposed rulemakings to, the Dockets Office at 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9:00 a.m. to 5:00 p.m.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our 1979 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, ''Regulatory Planning and Review,'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to permit its use. We are committed to continuing our reviews of existing rules and, if needed, will initiate rulemaking actions based on these reviews.

In accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' issued by the President on January 18, 2011, the Department has added other elements to its review plan. The Department has decided to improve its plan by adding special oversight processes within the Department; encouraging effective and timely reviews, including providing additional guidance on particular problems that warrant review; and expanding opportunities for public participation. These new actions are in addition to the other steps described in this appendix.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) Have been published within the last 10 years, and (2) have a ''significant economic impact on a substantial number of small entities'' (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially mandated review. If there is any change to the review plan, we will note the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (*e.g.,* ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting ''(Section 610 Review),'' after the title for the specific entry. For further information on the pending reviews, see the Agenda entries at *www.reginfo.gov.* For example, to obtain a list of all entries that are in section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced search'') and, in effect, generate the desired ''index'' of reviews.

Office of the Secretary

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212	2008	2009
2	48 CFR parts 1201 through 1253 and new parts and subparts	2009	2010
3	14 CFR parts 213 through 232	2010	2011
4	14 CFR parts 234 through 254	2011	2012
5	14 CFR parts 255 through 298 and 49 CFR part 40	2012	2013
6	14 CFR parts 300 through 373	2013	2014
7	14 CFR parts 374 through 398	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11	2015	2016
9	49 CFR parts 17 through 28	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89	2017	2018

Year 1 (fall 2008) List of Rules With Ongoing Analysis

49 CFR part 91—International Air Transportation Fair Competitive Practices
49 CFR part 92—Recovering Debts to the United States by Salary Offset
49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities
49 CFR part 99—Employee Responsibilities and Conduct
14 CFR part 200—Definitions and Instructions
14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]
14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
14 CFR part 204—Data to Support Fitness Determinations
14 CFR part 205—Aircraft Accident Liability Insurance
14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions
14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers
14 CFR part 208—Charter Trips by U.S. Charter Air Carriers
14 CFR part 211—Applications for Permits to Foreign Air Carriers
14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers

Year 3 (fall 2010) List of Rules With Ongoing Analysis

14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits
14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only
14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers
14 CFR part 216—Commingling of Blind Sector Traffic by Foreign Air Carriers
14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services
14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew
14 CFR part 221—Tariffs
14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers
14 CFR part 223—Free and Reduced-Rate Transportation
14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General
14 CFR part 234—Airline Service Quality Performance Reports

Year 4 (fall 2011) List of Rules With Ongoing Analysis

14 CFR part 240—Inspection of Accounts and Property
14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers
14 CFR part 243—Passenger Manifest Information
14 CFR part 247—Direct Airport-to-Airport Mileage Records
14 CFR part 248—Submission of Audit Reports
14 CFR part 249—Preservation of Air Carrier Records

Year 5 (fall 2012) List of Rules With Ongoing Analysis

14 CFR part 255—Airline Computer Reservations Systems
14 CFR part 256—[Reserved]
14 CFR part 271—Guidelines for Subsidizing Air Carriers Providing Essential Air Transportation
14 CFR part 272—Essential Air Service to the Freely Associated States
14 CFR part 291—Cargo Operations in Interstate Air Transportation
14 CFR part 292—International Cargo Transportation
14 CFR part 293—International Passenger Transportation
14 CFR part 294—Canadian Charter Air Taxi Operators
14 CFR part 296—Indirect Air Transportation of Property
14 CFR part 297—Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations
14 CFR part 298—Exemptions for Air Taxi and Commuter Air Carrier Operations

Year 6 (2013) List of Rules With Ongoing Analysis

14 CFR part 300—Rules of Conduct in DOT Proceedings Under This Chapter
14 CFR part 302—Rules of Practice in Proceedings
14 CFR part 303—Review of Air Carrier Agreements
14 CFR part 305—Rules of Practice in Informal Nonpublic Investigations
14 CFR part 313—Implementation of the Energy Policy and Conservation Act
14 CFR part 323—Terminations, Suspensions, and Reductions of Service
14 CFR part 325—Essential Air Service Procedures
14 CFR part 330—Procedures For Compensation of Air Carriers
14 CFR part 372—Overseas Military Personnel Charters

Year 7 (2014) List of Rules That Will Be Analyzed During the Next Year

14 CFR part 374—Implementation of the Consumer Credit Protection Act with Respect to Air Carriers and Foreign Air Carriers
14 CFR part 374a—Extension of Credit by Airlines to Federal Political Candidates
14 CFR part 375—Navigation of Foreign Civil Aircraft within the United States
14 CFR part 377—Continuance of Expired Authorizations by Operation of Law Pending Final Determination of Applications for Renewal Thereof
14 CFR part 380—Public Charters
14 CFR part 381—Special Event Tours
14 CFR part 382—Nondiscrimination On The Basis Of Disability in Air Travel
14 CFR part 383—Civil Penalties
14 CFR part 385—Staff Assignments and Review of Action under Assignments
14 CFR part 389—Fees and Charges for Special Services
14 CFR part 398—Guidelines for Individual Determinations of Basic Essential Air Service

Federal Aviation Administration

Section 610 Review Plan

The FAA has elected to use the two-step, two-year process used by most DOT modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''*analysis year*''), all rules published during the previous 10 years within a 10% block of the regulations will be *analyzed* to identify those with a SEIOSNOSE. During the second year (the ''*review year*''), each rule identified in the analysis year as having a SEIONOSE will be *reviewed* in accordance with Section 610 (b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 119 through 129 and parts 150 through 156	2008	2009
2	14 CFR parts 133 through 139 and parts 157 through 169	2009	2010
3	14 CFR parts 141 through 147 and parts 170 through 187	2010	2011
4	14 CFR parts 189 through 198 and parts 1 through 16	2011	2012
5	14 CFR parts 17 through 33	2012	2013
6	14 CFR parts 34 through 39 and parts 400 through 405	2013	2014
7	14 CFR parts 43 through 49 and parts 406 through 415	2014	2015
8	14 CFR parts 60 through 77	2015	2016
9	14 CFR parts 91 through 105	2016	2017
10	14 CFR parts 417 through 460	2017	2018

Year 7 (2014) List of Rules Analyzed and Summary of Results

14 CFR part 43—Maintenance, Preventive maintenance, Rebuilding, and Alteration
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 45—Identification and Registration Marking
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 47—Aircraft Registration
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 49—Recording of Aircraft Titles and Security Documents
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 406—Investigations, Enforcement, and Administrative Review
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 413—License Application Procedures
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 414—Safety Approvals
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 415—Launch License
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

Year 8 (2015) List of Rules To Be Analyzed During the Next Year

14 CFR part 60—Flight Simulation Training Device Initial and Continuing Qualification and Use
14 CFR part 61—Certification: Pilots, Flight Instructors, and Ground Instructors
14 CFR part 63—Certification: Flight Crewmembers other than Pilots
14 CFR part 65—Certification: Airmen other than Flight Crewmembers
14 CFR part 67—Medical Standards and Certification
14 CFR part 71—Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points
14 CFR part 73—Special Use Airspace

14 CFR part 77—Safe, Efficient Use, and Preservation of the Navigable Airspace

Federal Highway Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2008	2009
2	23 CFR parts 1 to 260	2009	2010
3	23 CFR parts 420 to 470	2010	2011
4	23 CFR part 500	2011	2012
5	23 CFR parts 620 to 637	2012	2013
6	23 CFR parts 645 to 669	2013	2014
7	23 CFR parts 710 to 924	2014	2015
8	23 CFR parts 940 to 973	2015	2016
9	23 CFR parts 1200 to 1252	2016	2017
10	New parts and subparts	2017	2018

Federal-Aid Highway Program

The Federal Highway Administration (FHWA) has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. 145 of title 23 expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 6 (fall 2013) List of Rules Analyzed and a Summary of Results

23 CFR part 645—Utilities
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 646—Railroads
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 FR part 650—Bridges, structures, and hydraulics
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 652—Pedestrian and bicycle accommodations and projects
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 655—Traffic operations
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 656—Carpool and vanpool projects
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 657—Certification of size and weight enforcement
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 658—Truck size and weight, route designations—length, width and weight limitations
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 660—Special programs (Direct Federal)
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 661—Indian Reservation Road Bridge Program
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 668—Emergency Relief program
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 669—Enforcement of heavy vehicle use tax
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

Year 7 (fall 2014) List of Rules That Will be Analyzed During the Next Year

23 CFR part 710—Right-of-way and real estate

23 CFR part 750—Highway beautification

23 CFR part 751—Junkyard control and acquisition

23 CFR part 752—Landscape and roadside development

23 CFR part 771—Environmental impact and related procedures

23 CFR part 772—Procedures for abatement of highway traffic noise and construction noise

23 CFR part 773—Surface Transportation Project Delivery Pilot Program

23 CFR part 774—Parks, recreation areas, wildlife and waterfowl refuges, and historic sites (Section 4(f))

23 CFR part 777—Mitigation of impacts to wetlands and natural habitat

23 CFR part 810—Mass transit and special use highway projects

23 CFR part 924—Highway safety improvement program

Federal Motor Carrier Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 372, subpart A	2008	2009
2	49 CFR part 386	2009	2010
3	49 CFR parts 325 and 390 (General)	2010	2011
4	49 CFR parts 390 (Small Passenger-Carrying Vehicles), 391 to 393 and 396 to 399	2011	2012
5	49 CFR part 387	2012	2013
6	49 CFR parts 356, 367, 369 to 371, 372 (subparts B and C)	2013	2014
7	49 CFR parts 373, 374, 376, and 379	2014	2015
8	49 CFR parts 360, 365, 366, and 368	2015	2016
9	49 CFR part 395	2016	2017
10	49 CFR parts 375, 377, 378	2017	2018

Year 3 (Fall 2010) List of Rules With Ongoing Analysis

49 CFR part 325—Compliance With Interstate Motor Carrier Noise Emission

49 CFR part 390—Federal Motor Carrier Safety Regulations, General

Year 4 (Fall 2011) List of Rules Analyzed and a Summary of Results

49 CFR part 399—Employee Safety and Health Standards

- Section 610: The agency conducted a Section 610 review of these parts and found no SEIOSNOSE. While these parts affect a substantial number of small entities, the current requirements are prudent business practices and do *not* impose a significant economic impact.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FMCSA's plain language review of these rules indicates no need for substantial revision.

Year 4 (Fall 2011) List of Rules With Ongoing Analysis

49 CFR part 390—Definition of Commercial Motor Vehicle (CMV)—Requirements for Operators of Small Passenger-Carrying CMVs.

- *This rule was moved up from Year 4 as a result of the Department's Retrospective Regulatory Review.*

49 CFR part 391—Driver Qualifications

49 CFR part 392—Driving of Commercial Motor Vehicles

49 CFR part 393—Parts and Accessories Necessary for Safe Operation

49 CFR part 396—Inspection, Repair and Maintenance of Commercial Motor Vehicles

49 CFR part 397—Transportation of Hazardous Materials; Driving and Parking Rules

49 CFR part 398—Transportation of Migrant Workers

Year 5 (Fall 2012) List of Rules Analyzed and a Summary of Results

49 CFR part 387—Minimum Levels of Financial Responsibility for Motor Carriers

- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE. While part 387 affects a substantial number of small entities, the currently required minimum levels of financial responsibility do *not* impose a significant economic impact because the industry standard imposed by lenders requires an even higher level of coverage.
- General: On July 6, 2012, the President signed Moving Ahead for Progress in the 21st Century Act (MAP–21) into law. Section 32104 of MAP–21 directed the Secretary to issue a report on the appropriateness of: (1) the current minimum financial responsibility requirements for the transportation of passengers and property; and (2) the current bond and insurance requirements for freight forwarders and brokers, including for brokers for motor carriers of passengers. FMCSA issued this report in April 2014. Section 32104 also directed the Secretary to determine the appropriateness of these requirements every 4 years and to issue similar reports to Congress. In its April 2014 report, FMCSA concluded that the current financial responsibility minimums are inadequate to cover the costs of some crashes. FMCSA is drafting an Advance Notice of Proposed Rulemaking an to considering increasing the current levels of minimum financial responsibility.

Year 6 (Fall 2013) List of Rule(s) With Ongoing Analysis

49 CFR part 356—Motor Carrier Routing Regulations

49 CFR part 367—Standards for Registration With States

49 CFR part 369—Reports of Motor Carriers

49 CFR part 370—Principles and Practices for the Investigation and Voluntary Disposition of Loss and Damage Claims and Processing Salvage

49 CFR part 371—Brokers of Property

49 CFR part 372 (subparts B and C)—Exemptions, Commercial Zones and Terminal Areas

Year 7 (Fall 2014) List of Rule(s) That Will Be Analyzed This Year

49 CFR part 373—Receipts and Bills

49 CFR part 374—Discrimination in Operations of Interstate Motor Common Carriers of Passengers

49 CFR part 376—Lease and Interchange of Vehicles

49 CFR part 379—Preservation of Records

National Highway Traffic Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.223 through 571.500, and parts 575 and 579	2008	2009
2	23 CFR parts 1200 through 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.138, and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014
7	49 CFR parts 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR parts 571.201 through 571.212	2015	2016
9	49 CFR parts 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 6 (fall 2013) List of Rules Analyzed and a Summary of the Results

49 CFR part 529—Manufacturers of Multistage Automobiles
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 531—Passenger Automobile Average Fuel Economy
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 533—Light Truck Fuel Economy Standards
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 534—Rights and Responsibilities of Manufacturers in the Context of Changes in Corporate Relationships
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 535—Medium- and Heavy-Duty Vehicle Fuel Efficiency Program
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 536—Transfer and Trading of Fuel Economy Credits
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 537—Automotive Fuel Economy Reports
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 538—Manufacturing Incentives for Alternative Fuel Vehicles
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 541—Federal Motor Vehicle Theft Prevention Standard
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 542—Procedures for Selecting Light Duty Truck Lines to be Covered by the Theft Prevention Standard
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 543—Exemption From Vehicle Theft Prevention Standard
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 545—Federal Motor Vehicle Theft Prevention Standard Phase-In and Small-Volume Line Reporting Requirements
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 551—Procedural Rules
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 552—Petitions for Rulemaking, Defect, and Noncompliance Orders
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 553—Rulemaking Procedures
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 554—Standards Enforcement and Defects Investigation
- Section 610: There is no SEIOSNOSE.

- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 555—Temporary Exemption from Motor Vehicle Safety and Bumper Standards
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 556—Exemption for Inconsequential Defect or Noncompliance
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 557—Petitions for Hearings on Notification and Remedy of Defects
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 563—Event Data Recorders
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 564—Replaceable Light Source and Sealed Beam Headlamp Information
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 565—Vehicle Identification Number (VIN) Requirements
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 566—Manufacturer Identification
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 567—Certification
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 568—Vehicles Manufactured in Two or More Stages—All Incomplete, Intermediate and Final-Stage Manufacturers of Vehicles Manufactured in Two or More Stages
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 569—Regrooved Tires
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 570—Vehicle In Use Inspection Standards
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 572—Anthropomorphic Test Devices
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 573—Defect and Noncompliance Responsibility and Reports
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 574—Tire Identification and Recordkeeping
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 576—Record Retention
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 577—Defect and Noncompliance Notification
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 578—Civil and Criminal Penalties
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

Year 7 (Fall 2014) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 571.111—Rear Visibility
49 CFR part 571.112—[Reserved]
49 CFR part 571.113—Hood Latch System
49 CFR part 571.114—Theft Protection and Rollaway Prevention
49 CFR part 571.115—[Reserved]
49 CFR part 571.116—Motor Vehicle Brake Fluids
49 CFR part 571.117—Retreaded Pneumatic Tires
49 CFR part 571.118—Power-Operated Window, Partition, and Roof Panel Systems
49 CFR part 571.119—New Pneumatic Tires For Motor Vehicles With a GVWR of More Than 4,536 Kilograms (10,000 Pounds) and Motorcycles
49 CFR part 571.120—Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load

Carrying Capacity Information For Motor Vehicles With a GVWR of More Than 4,536 Kilograms (10,000 Pounds)

49 CFR part 571.121—Air Brake Systems

49 CFR part 571.122—Motorcycle Brake Systems

49 CFR part 571.122a—Motorcycle Brake Systems

49 CFR part 571.123—Motorcycle Controls and Displays

49 CFR part 571.124—Accelerator Control Systems

49 CFR part 571.125—Warning Devices

49 CFR part 571.126—Electronic Stability Control Systems

49 CFR part 571.127–571.128—[Reserved]

49 CFR part 571.129—New Non-pneumatic Tires For Passenger Cars

49 CFR part 580—Odometer Disclosure Requirements

49 CFR part 581—Bumper Standard

49 CFR part 582—Insurance Cost Information Regulation

49 CFR part 583—Automobile Parts Content Labeling

49 CFR part 585—Phase-In Reporting Requirements

49 CFR part 586—[Reserved]

49 CFR part 587—Deformable Barriers

49 CFR part 588—Child Restraint Systems Recordkeeping Requirements

Federal Railroad Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200 and 201	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268	2010	2011
4	49 CFR part 219	2011	2012
5	49 CFR parts 218, 221, 241, and 244	2012	2013
6	49 CFR parts 216, 228, and 229	2013	2014
7	49 CFR parts 223 and 233	2014	2015
8	49 CFR parts 224, 225, 231, and 234	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265	2017	2018

Year 6 (Fall 2013) List of Rules Analyzed and a Summary of Results

49 CFR part 216—Special Notice and Emergency Order Procedures: Railroad Track, Locomotive and Equipment

- Section 610: There is no SEIOSNOSE.
- General: Since the rule deals with the special notices for repairs of railroad freight car, locomotive, passenger equipment, and track class, and prescribes for the issuance and review of emergency orders for removing dangerously substandard track from service, it will provide safety and security for railroad employees and the public. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 228—Hours of Service of Railroad Employees

- Section 610: There is no SEIOSNOSE.
- General: Since the rule prescribes reporting and recordkeeping requirements regarding the hours of service of certain railroad employees, railroad contractors and subcontractors; establishes requirements for electronic recordkeeping systems for the creation and maintenance of required hours of service records; establishes standards and procedures concerning the construction or reconstruction of sleeping quarters; establishes minimum safety and health standards for camp cars provided by a railroad as sleeping quarters; and prescribes substantive hours of service requirements for train employees engaged in commuter or intercity rail passenger transportation, it promotes the safety of railroad operations and employees. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 229—Railroad Locomotive Safety Standards

- Section 610: There is a SEIOSNOSE. These are minimum Federal standards for railroad locomotive safety. The FRA will conduct a formal review to identify whether opportunities may exist to reduce the burden on small railroads without compromising safety standards.
- General: Since the rule prescribes minimum Federal safety standards for all locomotives except those propelled by steam power, these regulations are necessary to achieve better and effective compliance of railroad locomotive safety standards and to minimize the number of casualties. FRA's plain language review of this rule indicates that there is no need for substantial revision.

Year 7 (Fall 2014) List of Rule(s) That Will Be Analyzed During Next Year

49 CFR part 223—Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses

49 CFR part 233—Signal System Reporting Requirements

Federal Transit Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 633	2008	2009
2	49 CFR parts 661 and 665	2009	2010
3	49 CFR part 633	2010	2011
4	49 CFR parts 609 and 611	2011	2012
5	49 CFR parts 613 and 614	2012	2013
6	49 CFR part 622	2013	2014
7	49 CFR part 630	2014	2015
8	49 CFR part 639	2015	2016
9	49 CFR parts 659 and 663	2016	2017

Year	Regulations to be reviewed	Analysis year	Review year
10	49 CFR part 665	2017	2018

Year 6 (Fall 2013): List of Rules Analyzed and Summary of Results

49 CFR part 622—Environmental Impact and Related Procedures

- Section 610: The agency has determined that the rule does not have a significant effect on a substantial number of small entities. FTA and FHWA recently revised the rule and evaluated the likely effects of the final rule on small entities and requested public comment during the rulemaking process. FTA and FHWA determined that the rule does not have a significant economic impact on entities of any size. FTA and FHWA expect the revisions to the rule will expedite environmental review. Thus, FTA and FHWA determined that the rule will not have a significant economic impact on a substantial number of small entities. FTA and FHWA received no comment on this issue in the rulemaking process.
- General: FTA revised part 622 via a final rule in January 2013, in order to implement recent MAP–21 requirements (see 79 FR 2107). Part 622 cross-references 23 CFR part 771. FTA and FHWA joint procedures at 23 CFR part 771 describe how FTA and FHWA comply with NEPA and the Council on Environmental Quality (CEQ) regulations implementing NEPA. Sections 1316 and 1317 of MAP–21 require the Secretary of Transportation to promulgate regulations designating two types of actions as categorical exclusions in 23 CFR part 771: (1) Any project (as defined in 23 U.S.C. 101(a)) within an existing operational right-of-way; and (2) any project that receives less than $5,000,000 of Federal funds or with a total estimated cost of not more than $30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost, respectively.

Year 7 (Fall 2014) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 630—National Transit Database

Maritime Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010
3	46 CFR parts 249 through 296	2010	2011
4	46 CFR parts 221, 298, 308, and 309	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 4 (fall 2011) List of Rules Analyzed and Summary of Results

46 CFR part 221—Foreign Transfer Regulations

- Section 610: There is no SEIOSNOSE.
- General: An updated rule was promulgated, providing technical changes including corrections to statutory references, updates to citations and addresses, and deleted other obsolete references.

46 CFR part 327—Administrative Claims

- Section 610: There is no SEIOSNOSE.
- General: An updated rule was promulgated, providing clarity to the public regarding the filing of administrative claims and adopting a procedural process for effectively resolving claims under the Suits in Admiralty Act, the Admiralty Extension Act and the Clarification Act.

46 CFR part 249—Approval of Underwriters for Marine Hull Insurance

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. MARAD's plain language review of this rule indicated no need for substantial revision.

46 CFR part 287—Establishment of Construction Reserve Funds

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. MARAD's plain language review of this rule indicated no need for substantial revision.

46 CFR part 295—Maritime Security Program (MSP)

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. MARAD's plain language review of this rule indicated no need for substantial revision.

Year 4 (fall 2011) List of Rules With Ongoing Analysis

46 CFR part 381—Cargo Preference—U.S.-Flag Vessels

46 CFR part 383—Cargo Preference—Compromise, Assessment, Mitigation, Settlement, and Collection of Civil Penalties

46 CFR part 272—Requirements and Procedures for Conducting Condition Surveys and Administering Maintenance and Repair Subsidy

46 CFR part 296—Maritime Security Program (MSP)

Year 5 (2012) List of Rules Analyzed and Summary of Results

46 CFR part 308—War Risk Insurance

- Section 610: There is no SEIOSNOSE.
- General: An updated rule was promulgated, correcting numerous citations, updating relevant agency contact and underwriting agent information, and removing other obsolete references.

46 CFR part 309—War Risk Ship Valuation

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. MARAD's plain language review of this rule indicated no need for substantial revision.

Year 5 (2012) List of Rules With Ongoing Analysis

46 CFR part 307—Mandatory Position Report System for Vessels

Year 6 (2013) List of Rules With Ongoing Analysis

46 CFR part 310—Merchant Marine Training

Year 7 (2014) List of Rules That Will be Analyzed During the Next Year

46 CFR part 315—Agency Agreements and Appointment of Agents
46 CFR part 317—Bonding of Ship's Personnel
46 CFR part 324—Procedural Rules for Financial Transactions Under Agency Agreements
46 CFR part 325—Procedure to be Followed by General Agents in Preparation of Invoices and Payment of Compensation Pursuant to Provisions of NSA Order No. 47
46 CFR part 326—Marine Protection and Indemnity Insurance Under Agreements with Agents
46 CFR part 327—Seamen's Claims; Administrative Action and Litigation
46 CFR part 328—Slop Chests
46 CFR part 329—Voyage Data
46 CFR part 330—Launch Services
46 CFR part 332—Repatriation of Seaman
46 CFR part 335—Authority and Responsibility of General Agents to Undertake Emergency Repairs in Foreign Ports
46 CFR part 336—Authority and Responsibility of General Agents to Undertake in Continental United States Ports Voyage Repairs and Service Equipment of Vessels Operated for the Account of the National Shipping Authority Under General Agency Agreement
46 CFR part 337—General Agent's responsibility in Connection with Foreign Repair Custom's Entries
46 CFR part 338—Procedure for Accomplishment of Vessel Repairs Under National Shipping Authority Master Lump Sum Repair Contract—NSA—Lumpsumrep
46 CFR part 339—Procedure for Accomplishment of Ship Repairs Under National Shipping Authority Individual Contract for Minor Repairs—NSA—Worksmalrep
46 CFR part 340—Priority Use and Allocation of Shipping Services, Container and Chassis and Port Facilities and Services for National Security and National Defense Related Operations.

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2008	2009
2	49 CFR parts 178 through 180	2009	2010
3	49 CFR parts 172 and 175	2010	2011
4	49 CFR part 171, sections 171.15 and 171.16	2011	2012
5	49 CFR parts 106, 107, 171, 190, and 195	2012	2013
6	49 CFR parts 174, 177, 191, and 192	2013	2014
7	49 CFR parts 176 and 199	2014	2015
8	49 CFR parts 172 through 178	2015	2016
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2016	2017
10	49 CFR parts 173 and 194	2017	2018

Year 6 (fall 2013) List of Rules Analyzed and a Summary of Results

49 CFR part 174—Carriage by Rail

- Section 610: There is no SEIOSNOSE. On August 27–28, 2013 (78 FR 42998) PHMSA and FRA held a public meeting to address the transportation of hazardous materials by rail. This meeting was part of PHMSA and FRA's comprehensive review of operational factors that affect the safety of the transportation of hazardous materials by rail and sought input from stakeholders and interested parties. Specifically, this meeting sought comment from the regulated community including small entities on revision to part 174. PHMSA and FRA have evaluated the comments from this meeting. The comments to this public meeting noted that some small entities may be affected, but the economic impact on small entities will not be significant. As a result, the agency determined that the rules do not have a significant economic impact on a substantial number of small entities. A response to the public comments, including those of small entities, and proposals for corresponding revisions to part 174 will be included in a future rulemaking.
- General: The requirements in this rule are necessary to protect rail transportation workers and the general public from the dangers associated with hazardous materials incidents in rail transportation. PHMSA's plain language review of this rule indicates no need for substantial revision however any revisions to part 174 as part of a future rulemaking will take into account plain language principles and where appropriate clarify unclear language.

49 CFR part 177—Carriage by Public Highway

- Section 610: There is no SEIOSNOSE. This rule prescribes minimum safety standards for the transportation of hazardous materials for highway transportation. Some small entities may be affected, but the economic impact on small entities will not be significant.

General: The requirements in this rule are necessary to protect highway transportation workers and the general public from the dangers associated with hazardous materials incidents in highway transportation. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 191—Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports

- Section 610: There is no SEIOSNOSE. Based on regulated entities, PHMSA found that the majority of operators are not small businesses. Therefore, though some small entities may be affected, the economic impact on small entities will not be significant.
- General: No changes are needed. These regulations are cost effective and impose the least burden. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 192—Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards

- Section 610: There is no SEIOSNOSE. Based on regulated entities, PHMSA found that the majority of operators are not small businesses. Therefore, though some small entities may be affected, the economic impact on small entities will not be significant.
- General: No changes are needed. These regulations are cost effective and impose the least burden. PHMSA's plain language review of this rule indicates no need for substantial revision.

Year 7 (fall 2014) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 176—Carriage by Vessel

49 CFR part 199—Drug and Alcohol Testing

Saint Lawrence Seaway Development Corporation

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	33 CFR parts 401 through 403	2008	2009

Year 1 (fall 2008) List of rules With Ongoing Analysis

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
365	+Airline Pricing Transparency and Other Consumer Protection Issues	2105–AE11

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
366	+Operation and Certification of Small Unmanned Aircraft Systems (sUAS) (**Reg Plan Seq No. 104**)	2120–AJ60
367	+Pilot Professional Development (HR 5900) Rebaselined	2120–AJ87
368	Flight Simulation Training Device (FSTD) Qualification Standards for Extended Envelope and Adverse Weather Event Training.	2120–AK08
369	+Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States (**Reg Plan Seq No. 106**).	2120–AK09

+ DOT-designated significant regulation
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
370	+Carrier Safety Fitness Determination (**Reg Plan Seq No. 111**)	2126–AB11
371	+Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21) (**Reg Plan Seq No. 112**).	2126–AB20

+ DOT-designated significant regulation
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
372	+Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21) (**Reg Plan Seq No. 113**)	2126–AB18
373	+Lease and Interchange of Vehicles; Motor Carriers of Passengers	2126–AB44
374	+Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR)	2126–AB46

+ DOT-designated significant regulation
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL RAILROAD ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
375	+Train Crew Staffing	2130–AC48

+ DOT-designated significant regulation

FEDERAL RAILROAD ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
376	+Training Standards for Railroad Employees	2130–AC06

+ DOT-designated significant regulation

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
377	+Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines (**Reg Plan Seq No. 118**)	2137–AE66
378	Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry	2137–AE93
379	+Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR).	2137–AE94
380	+Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards.	2137–AF06

+ DOT-designated significant regulation
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
381	+Hazardous Materials: Transportation of Lithium Batteries	2137–AE44

+ DOT-designated significant regulation

MARITIME ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
382	+Cargo Preference	2133–AB74

+ DOT-designated significant regulation

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

365. +Airline Pricing Transparency and Other Consumer Protection Issues

Legal Authority: 49 U.S.C. 41712; 49 U.S.C. 40101; 49 U.S.C. 41702

Abstract: This rulemaking action would enhance protections for air travelers and to improve the air travel environment, including clarification and codification of the Department's interpretation of the statutory definition of ticket agent.'' This action would also require airlines and ticket agents to disclose at all points of sale the fees for certain basic ancillary services associated with the air transportation consumers are buying or considering buying. This action would also enhance additional airline passenger protections, such as: Expanding the pool of reporting'' carriers; requiring enhanced reporting by mainline carriers for their domestic code-share partner operations; requiring large travel agents to adopt minimum customer service standards; codifying the statutory requirements that carriers and ticket agents disclose any code-share arrangements on their Web sites; and prohibiting unfair and deceptive practices such as undisclosed biasing and post-purchase price increases. This action would require ticket agents to disclose the carriers whose tickets they sell in order to avoid having consumers mistakenly believe they are searching all possible flight options for a particular city-pair market when in fact there may be other options available. Additionally, this action would correct drafting errors and make minor changes to the Department's second Enhancing Airline Passenger Protections rule to conform to guidance issued by the Department's Office of Aviation Enforcement and Proceedings (Enforcement Office) regarding its interpretation of the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/23/14	79 FR 29970
NPRM Comment Period Extended.	08/06/14	79 FR 45731
NPRM Comment Period End.	08/21/14	
NPRM: Extended Comment Period End.	09/22/14	
Analyzing Comments.	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A Workie, Principal Deputy Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–9342. *TDD Phone:* 202 755–7687, *Fax:* 202 366–7152, *Email: blane.workie@dot.gov*.

RIN: 2105–AE11

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

366. +Operation and Certification of Small Unmanned Aircraft Systems (SUAS)

Regulatory Plan: This entry is Seq. No. 104 in part II of this issue of the **Federal Register**.

RIN: 2120–AJ60

367. +Pilot Professional Development (HR 5900) Rebaselined

Legal Authority: 49 U.S.C. 44701(a)(5); Pub. L. 111–216, sec 206

Abstract: This rulemaking would amend the regulations for air carrier training programs under part 121. The action is necessary to ensure that air carriers establish or modify training programs that address mentoring, leadership, and professional development of flight crewmembers in part 121 operations. The amendments are intended to respond to the mandate in Public Law 111–216.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deke Abbott, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone*: 202 267–8266, *Email: deke.abbott@faa.gov*.

RIN: 2120–AJ87

368. Flight Simulation Training Device (FSTD) Qualification Standards for Extended Envelope and Adverse Weather Event Training

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; Pub. L. 111–216

Abstract: This rulemaking would amend evaluation qualifications for simulators to ensure the simulators are technically capable of performing new flight training tasks as identified in the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Pub. L. 111–216) and that are included in a separate rulemaking (2120–AJ00). By ensuring the simulators provide an accurate and realistic simulation, this rulemaking would allow for training on the following tasks: (1) Full/aerodynamic stall, and (2) upset recognition and recovery, as identified in Public Law 111–216. Furthermore, this rulemaking would improve the minimum FSTD evaluation requirements for gusting crosswinds (takeoff/landing), engine and airframe icing, and bounced landing recovery methods in response to NTSB and Aviation Rulemaking Committee recommendations. The intended effect is to ensure an adequate level of simulator fidelity.

Timetable:

Action	Date	FR Cite
NPRM	07/10/14	79 FR 39461
NPRM Comment Period Extended.	09/16/14	79 FR 55407
NPRM Comment Period End.	10/08/14	
NPRM Comment Period Extended End.	01/06/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Larry McDonald, Department of Transportation, Federal Aviation Administration, PO Box 20636, Atlanta, GA 30320, *Phone*: 404–474–5620, *Email: larry.e.mcdonald@faa.gov*.

RIN: 2120–AK08

369. +Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States

Regulatory Plan: This entry is Seq. No. 106 in part II of this issue of the **Federal Register**.

RIN: 2120–AK09

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

370. +Carrier Safety Fitness Determination

Regulatory Plan: This entry is Seq. No. 111 in part II of this issue of the **Federal Register**.

RIN: 2126–AB11

371. +Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21)

Regulatory Plan: This entry is Seq. No. 112 in part II of this issue of the **Federal Register**.

RIN: 2126–AB20

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

372. +Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)

Regulatory Plan: This entry is Seq. No. 113 in part II of this issue of the **Federal Register**.

RIN: 2126–AB18

373. +Lease and Interchange of Vehicles; Motor Carriers of Passengers

Legal Authority: 49 U.S.C. 31502; 49 U.S.C. 13301; 49 U.S.C. 31136

Abstract: FMCSA proposes to adopt regulations governing the lease and interchange of passenger-carrying commercial motor vehicles (CMVs) to: (1) Identify the motor carrier operating a passenger-carrying CMV and responsible for compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and all other applicable Federal regulations; (2) ensure that a lessor surrenders control of the CMV for the full term of the lease or temporary exchange of CMVs and drivers; and (3) require motor carriers subject to a prohibition on operating in interstate commerce to notify the FMCSA in writing before leasing or otherwise transferring control of their vehicles to other carriers. This action is necessary to ensure that unsafe passenger carriers cannot evade FMCSA oversight and enforcement by operating under the authority of another carrier that exercises no actual control over those operations. This action will enable the FMCSA, the National Transportation Safety Board (NTSB), and our Federal and State partners to identify motor carriers transporting passengers in interstate commerce, and correctly assign responsibility to these entities for regulatory violations during inspections, compliance investigations, and crash studies. It also provides the general public with the means to identify the responsible motor carrier at the time of transportation. While detailed lease and interchange regulations for cargo-

carrying vehicles have been in effect since 1950, these proposed rules for passenger-carrying CMVs are focused entirely on operational safety.

Timetable:

Action	Date	FR Cite
NPRM	09/20/13	78 FR 57822
NPRM Comment Period End.	11/19/13	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Miller, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone*: 202 366–5370, *Email: fmcsaregs@dot.gov*.

RIN: 2126–AB44

374. +Inspection, Repair, and Maintenance; Driver–Vehicle Inspection Report (RRR)

Legal Authority: 49 U.S.C. 31502(b)

Abstract: This rulemaking would rescind the requirement that commercial motor vehicle (CMV) drivers operating in interstate commerce submit, and motor carriers retain, driver-vehicle inspection reports when the driver has neither found nor been made aware of any vehicle defects or deficiencies. Specifically, this rulemaking would remove a significant information collection burden without adversely impacting safety. This rulemaking responds in part to the President's January 2012 Regulatory Review and Reform initiative.

Timetable:

Action	Date	FR Cite
NPRM	08/07/13	78 FR 48125
Comment Period End.	10/07/13	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Gallagher, MC–PRR, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–3740, *Email: sean.gallagher@dot.gov*.

RIN: 2126–AB46

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Proposed Rule Stage

375. • +Train Crew Staffing

Legal Authority: 49 U.S.C. 20103; 49 U.S.C. 20107; 49 U.S.C. 21301 to 21302; 49 U.S.C. 21304; 28 U.S.C. 2461, note; 49 CFR 1.89

Abstract: This rulemaking would add minimum requirements for the size of different train crew staffs depending on the type of operation. The minimum crew staffing requirements would reflect for the safety risks posed to railroad employees, the general public, and the environment and would account for differences in costs. This rulemaking would also establish minimum requirements for the roles and responsibilities of the second train crew member on a moving train, and promote safe and effective teamwork. Additionally, this rulemaking would permit a railroad to submit information to FRA and seek approval if it wants to continue an existing operation with a one-person train crew or start up an operation with less than two crew members.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, *Phone*: 202 493–6063, *Fax*: 202 493–6068.

RIN: 2130–AC48

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Completed Actions

376. +Training Standards for Railroad Employees

Legal Authority: Pub. L. 110–432, Div A, 122 Stat 4848 *et seq.;* Railroad Safety Improvement Act of 2008; sec 401 (49 U.S.C. 20162)

Abstract: This rulemaking would: (1) Establish minimum training standards for each class or craft of safety-related employee and equivalent railroad contractor and subcontractor employee by requiring railroads, contractors, and subcontractors to qualify and document the proficiency of such employees on their knowledge and ability to comply with Federal railroad safety laws and regulations, and railroad rules, and procedures intended to implement those laws and regulations, etc.; (2) require submission of the training and qualification programs for FRA approval; and (3) establish a minimum training curriculum, and ongoing training criteria, testing, and skills evaluation measures.

Timetable:

Action	Date	FR Cite
NPRM	02/07/12	77 FR 6412
NPRM Comment Period End.	04/09/12	
Final Rule	11/07/14	79 FR 66460
Final Rule Effective.	01/06/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone*: 202 493–6063, *Email: kathryn.shelton@fra.dot.gov*.

RIN: 2130–AC06

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

377. +Pipeline Safety: Safety of On–Shore Liquid Hazardous Pipelines

Regulatory Plan: This entry is Seq. No. 118 in part II of this issue of the **Federal Register**.

RIN: 2137–AE66

378. Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would address a number of topics related to the use of plastic pipe in the gas pipeline industry. These topics include certain newer types of plastic pipe PE (polyethylene), PA11 (polyamide 11), PA12 (polyamide 12), 50-year markings, design factors, risers, incorporation by reference of certain plastic pipe related standards, and tracking and traceability.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone*: 202 366–8553, *Email: cameron.satterthwaite@dot.gov*.

RIN: 2137–AE93

379. +Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR)

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would address miscellaneous issues that have been raised because of the reauthorization of the pipeline safety program in 2012, and petitions for rulemaking from many affected stakeholders. Some of the issues that this rulemaking would address include: renewal process for special permits, cost recovery for design reviews, and incident reporting.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone*: 202–366–0434, *Email*: *john.gale@dot.gov*.

RIN: 2137–AE94

380. +Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking action would propose mandatory installation of automatic shutoff valves, remote controlled valves, or equivalent technology, and establish performance-based meaningful metrics for rupture detection for gas and liquid transmission pipelines. The overall intent is that rupture detection metrics will be integrated with ASV and RCV placement, with the objective of improving overall incident response. Rupture response metrics would focus on mitigating large, unsafe, uncontrolled release events that have a greater potential consequence. The areas proposed to be covered include high consequence areas (HCA) for hazardous liquids and HCA, Class 3 and 4 for natural gas (including could affect areas).

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lawrence White, Attorney–Advisor, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590, *Phone*: 202 366–4400, *Fax*: 292 366–7041.

RIN: 2137–AF06

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Completed Actions

381. +Hazardous Materials: Transportation of Lithium Batteries

Legal Authority: 49 U.S.C. 5101 *et seq.*

Abstract: This rulemaking amended the Hazardous Materials Regulations to comprehensively address the safe transportation of lithium cells and batteries. The rulemaking strengthened the regulatory framework by imposing more effective safeguards, including design testing to address risks related to internal short circuits, and enhanced packaging, hazard communication, and operational measures for various types and sizes of lithium batteries in specific transportation contexts. The rulemaking responded to several recommendations issued by the National Transportation Safety Board.

Timetable:

Action	Date	FR Cite
NPRM	01/11/10	75 FR 1302
NPRM Comment Period End.	03/12/10	
Notice	04/11/12	77 FR 21714
Notice Comment Period End.	05/11/12	
NPRM; Request for Additional Comments.	01/07/13	78 FR 1119
Additional Comments Period End.	03/08/13	
Final Rule	08/06/14	79 FR 46011
Final Rule Effective.	08/06/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Leary, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone*: 202–366–8553, *Email: kevin.leary@dot.gov*.

RIN: 2137–AE44

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MARAD)

Proposed Rule Stage

382. +Cargo Preference

Legal Authority: 49 CFR 1.66; 46 app U.S.C. 1101; 46 app U.S.C. 1241; 46 U.S.C. 2302 (e)(1); Pub. L. 91–469

Abstract: This rulemaking would revise and clarify the cargo preference regulations that have not been revised substantially since 1971. The rulemaking would also implement statutory changes, including section 3511, Public Law 110 to 417, of The National Defense Authorization Act for FY 2009, which provides enforcement authority.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Christine Gurland, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–3000, *Email: christine.gurland@dot.gov*.

RIN: 2133–AB74

[FR Doc. 2014–29407 Filed 12–19–14; 8:45 am]

BILLING CODE 4910–81–P

FEDERAL REGISTER

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Part XIV

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESSES: Access Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Gretchen Jacobs, General Counsel, (202) 272–0040 (voice) or (202) 272–0062 (TTY).

Gretchen Jacobs,

General Counsel.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
383	Americans with Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels	3014–AA11
384	Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way	3014–AA26

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Final Rule Stage

383. Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels

Legal Authority: 42 U.S.C. 12204, Americans with Disabilities Act of 1990

Abstract: This rulemaking would establish accessibility guidelines to ensure that newly constructed and altered passenger vessels covered by the Americans with Disabilities Act (ADA) are accessible to and usable by individuals with disabilities. The U.S. Department of Transportation and U.S. Department of Justice are expected to adopt the guidelines as enforceable standards in separate rulemakings for the construction and alteration of passenger vessels covered by the ADA.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Advisory Committee.	03/30/98	63 FR 15175
Establishment of Advisory Committee.	08/12/98	63 FR 43136
Availability of Draft Guidelines.	11/26/04	69 FR 69244
ANPRM	11/26/04	69 FR 69246
Comment Period Extended.	03/22/05	70 FR 14435
ANPRM Comment Period End.	07/28/05	
Availability of Draft Guidelines.	07/07/06	71 FR 38563
Notice of Intent to Establish Advisory Committee.	06/25/07	72 FR 34653
Establishment of Advisory Committee.	08/13/07	72 FR 45200
NPRM	06/25/13	78 FR 38102
NPRM Comment Period Extended.	08/13/13	78 FR 49248
NPRM Comment Period End.	01/24/14	
Final Action	09/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: jacobs@access-board.gov.*

RIN: 3014–AA11

384. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

Legal Authority: 42 U.S.C. 12204, Americans With Disabilities Act; 29 U.S.C. 792, Rehabilitation Act

Abstract: This rulemaking would establish accessibility guidelines to ensure that sidewalks and pedestrian facilities in the public right-of-way are accessible to and usable by individuals with disabilities. A Supplemental Notice of Proposed Rulemaking consolidated this rulemaking with RIN 3014–AA41; accessibility guidelines for shared use paths (which are multi-use paths designed primarily for use by bicyclists and pedestrians—including persons with disabilities—for transportation and recreation purposes). The U.S. Department of Justice, U.S. Department of Transportation, and other Federal agencies are expected to adopt the accessibility guidelines for pedestrian facilities in the public right-of-way and for shared use paths, as enforceable standards in separate rulemakings for the construction and alteration of facilities covered by the Americans With Disabilities Act, section 504 of the Rehabilitation Act, and the Architectural Barriers Act.

Timetable:

Action	Date	FR Cite
Notice of Intent to Form Advisory Committee.	08/12/99	64 FR 43980
Notice of Appointment of Advisory Committee Members.	10/20/99	64 FR 56482
Availability of Draft Guidelines.	06/17/02	67 FR 41206
Availability of Draft Guidelines.	11/23/05	70 FR 70734
NPRM	07/26/11	76 FR 44664
NPRM Comment Period End.	11/23/11	
Notice Reopening Comment Period.	12/05/11	76 FR 75844
NPRM Comment Period End.	02/02/12	
Second NPRM	02/13/13	78 FR 10110
Second NPRM Comment Period End.	05/14/13	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: jacobs@access-board.gov.*

RIN: 3014–AA26

[FR Doc. 2014–28974 Filed 12–19–14; 8:45 am]

BILLING CODE 8150–01–P

FEDERAL REGISTER

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No. 245 December 22, 2014

Part XV

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[EPA–HQ–OW–2012–0813, EPA–HQ–OAR–2013–0642; FRL 9916–88–OP]

Fall 2014 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-Agenda) at *http://www.reginfo.gov* and at *www.regulations.gov* to update the public about:

- Regulations currently under development,
- Reviews of existing regulations, and
- Rules completed or canceled since the last agenda.

Definitions

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register** but now is only available through an online database.

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish it in the **Federal Register** because it is required by the Regulatory Flexibility Act of 1980.

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the General Service Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the e-Agenda.

''Regulatory Development and Retrospective Review Tracker'' refers to an online portal to EPA's priority rules and retrospective reviews of existing regulations. More information about the Regulatory Development and Retrospective Review Tracker appears in section H of this preamble.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov*; 202–564–2855).

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SUPPLEMENTARY INFORMATION:

A. Links to EPA's Regulatory Information

- Semiannual Regulatory Agenda: *www.reginfo.gov/* and *www.regulations.gov*
- Semiannual Regulatory Flexibility Agenda: *http://www.gpo.gov/fdsys/search/home.action*
- Regulatory Development and Retrospective Review Tracker: *www.epa.gov/regdarrt/*

B. What key statutes and executive orders guide EPA's rule and policymaking process?

A number of environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

Not only must EPA comply with environmental laws, but also administrative legal requirements that apply to the issuance of regulations, such as: The Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive orders: 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

In addition to meeting its mission goals and priorities as described above, EPA has begun reviewing its existing regulations under Executive Order 13563, ''Improving Regulation and Regulatory Review.'' This Executive Order provides for periodic retrospective review of existing significant regulations and is intended 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.

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

EPA believes its actions will be more cost-effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to problems. EPA encourages you to become involved in its rule and policymaking process. For more information about public involvement in EPA activities, please visit *www.epa.gov/open.*

D. What actions are included in the e-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the CAA: Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes;
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under RCRA: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the CWA: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under SDWA: Actions on State underground injection control programs.

The Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA is concluding two 610 reviews at this time.

E. How is the e-Agenda organized?

You can choose how to organize the agenda entries online by specifying the characteristics of the entries of interest in the desired individual data fields for both the *www.reginfo.gov* and *www.regulations.gov* versions of the e-Agenda. You can sort based on the following characteristics: EPA subagency; stage of rulemaking, which is explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Prerule Stage—This section includes EPA actions generally intended to determine whether the agency should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as Advance Notices of Proposed Rulemaking (ANPRMs), studies or analyses of the possible need for regulatory action.
2. Proposed Rule Stage—This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings [NPRMs]).
3. Final Rule Stage—This section includes rules that will be issued as a final rule within a year.
4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action is after October 2015. We urge you to explore becoming involved even if an action is listed in the Long-Term category. By the time an action is listed in the Proposed Rules category you may have missed the opportunity to participate in certain public meetings or policy dialogues.
5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2014 Agenda. It also includes actions that EPA is no longer considering and has elected to ''withdraw.'' EPA also announces the results of any RFA section 610 review in this section of the agenda.

F. What information is in the Regulatory Flexibility Agenda and the e-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review (if applicable), Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (e-Agenda) has more extensive information on each of these actions.

E-Agenda entries include:

Title: A brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below.

a. Economically Significant: Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or
3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (*e.g.*, certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under Executive Order 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

Major: A rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (EO), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 10/00/15 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Energy Impacts: Indicates whether the action is a significant energy action under Executive Order 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the Internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to the associated electronic docket, which is housed at *www.regulations.gov*. Once there, follow the online instructions to access the docket in question and submit comments. A docket identification [ID] number will assist in the search for materials.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN identify the EPA office with lead responsibility for developing the action.

G. How can you find out about rulemakings that start up after the Regulatory Agenda is signed?

EPA posts monthly information of new rulemakings that the Agency's senior managers have decided to develop. This list is also distributed via email. You can find the current list, known as the Action Initiation List (AIL), at *http://www2.epa.gov/laws-regulations/actions-initiated-month* where you will also find information about how to get an email notification when a new list is posted.

H. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?

1. The *http://www.reginfo.gov/* Searchable Database

The Regulatory Information Service Center and Office of Information and Regulatory Affairs have a Federal regulatory dashboard that allows users to view the Regulatory Agenda database (*http://www.reginfo.gov/public/do/eAgendaMain*), which includes search, display, and data transmission options.

2. Subject Matter EPA Web sites

Some actions listed in the Agenda include a URL that provides additional information about the action.

3. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for RFA section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *www.regulations.gov.*

4. EPA's Regulatory Development and Retrospective Review Tracker

EPA's Regulatory Development and Retrospective Review Tracker (*www.epa.gov/regdarrt/*) serves as a portal to EPA's priority rules, providing you with earlier and more frequently updated information about Agency regulations than is provided by the Regulatory Agenda. It also provides information about retrospective reviews of existing regulations. Not all of EPA's Regulatory Agenda entries appear on Reg DaRRT; only priority rulemakings can be found on this Web site.

I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. EPA is concluding two 610 reviews at this time.

Review title	RIN	Docket ID No.
Section 610 Review of Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel.	2060–AR91	EPA–HQ–OAR–2013–0642
Section 610 Review of National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations.	2040–AF46	EPA–HQ–OW–2012–0813

EPA established an official public docket for each 610 Review under the docket identification (ID) numbers indicated above. All documents in the dockets are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available; *e.g.,* 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 Air or Water dockets, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. 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.

J. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit the RFA/SBREFA Web site at *http://www.epa.gov/sbrefa/.*

K. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: September 23, 2014.

Shannon Kenny,

Principal Deputy Associate Administrator, Office of Policy.

10—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
385	NESHAP for Brick and Structural Clay Products Manufacturing and NESHAP for Clay Ceramics Manufacturing.	2060–AP69
386	Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2 **(Reg Plan Seq No. 125)**.	2060–AS16

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

10—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
387	Standards of Performance for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces.	2060–AP93

10—Completed Actions

Sequence No.	Title	Regulation Identifier No.
388	Section 610 Review of Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel **(Completion of a Section 610 Review)**.	2060–AR91

35—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
389	Formaldehyde Emissions Standards for Composite Wood Products **(Reg Plan Seq No. 139)**	2070–AJ92

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

60—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
390	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry.	2050–AG61

70—Completed Actions

Sequence No.	Title	Regulation Identifier No.
391	Section 610 Review of National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations **(Completion of a Section 610 Review)**.	2040–AF46

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Proposed Rule Stage

385. NESHAP for Brick and Structural Clay Products Manufacturing and Neshap for Clay Ceramics Manufacturing

Legal Authority: Clean Air Act

Abstract: This rulemaking will establish emission limits for hazardous air pollutants (hydrogen flouride (HF), hydrogen chloride (HCl) and metals) emitted from brick and clay ceramics kilns, as well as dryers and glazing operations at clay ceramics production facilities. The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The manufacturing of brick and structural clay products involves mining, raw material processing (crushing, grinding, and screening), mixing, forming, cutting or shaping, drying, and firing. Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics, which include ceramic tile, dinnerware, sanitary ware, pottery, and porcelain. The primary raw material used in the manufacture of these traditional ceramics is clay. The manufacturing of clay ceramics involves raw material processing (crushing, grinding, and screening), mixing, forming, shaping, drying, glazing, and firing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	
Final Rule	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Telander, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711, *Phone:* 919 541–5427, *Fax:* 919 541–5600, *Email: Telander.Jeff@epamail.epa.gov.*

Keith Barnett, Environmental Protection Agency, Air and Radiation, D243–04, Research Triangle Park, NC 27711, *Phone:* 919 541–5605, *Fax:* 919 541–5450, *Email: barnett.keith@epa.gov.*

RIN: 2060–AP69

386. Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2

Regulatory Plan: This entry is Seq. No. 125 in part II of this issue of the **Federal Register**.

RIN: 2060–AS16

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Final Rule Stage

387. Standards of Performance for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces

Legal Authority: CAA sec 111(b)(1)(B)

Abstract: On February 3, 2014, EPA published proposed revisions to the New Source Performance Standards (NSPS) for new residential wood heaters. This action is necessary because it updates the 1988 NSPS to reflect significant advancements in wood heater technologies and design, broadens the range of residential wood-heating appliances covered by the regulation, and improves and streamlines implementation procedures. This rule is expected to require manufacturers to redesign wood heaters to be cleaner and lower emitting. In general, the design changes would also make the heaters perform better and be more efficient. The revisions are also expected to streamline the process for testing new model lines by allowing the use of International Standards Organization (ISO)-accredited laboratories and certifying bodies, which will expand the number of facilities that can be used for testing and certification of the new model lines. This action is expected to include the following new residential wood-heating appliances: Adjustable burn rate wood heaters, pellet stoves, single burn rate wood heaters, outdoor hydronic heaters (outdoor wood boilers), indoor hydronic heaters (indoor wood boilers), wood-fired forced air furnaces, and masonry heaters. These standards would apply only to new residential wood heaters and not to existing residential wood-heating appliances. The final rule has a consent decree of February 3, 2015.

Timetable:

Action	Date	FR Cite
NPRM	02/03/14	79 FR 6329
Notice	07/01/14	79 FR 37259
Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gil Wood, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711, *Phone:* 919 541–5272, *Fax:* 919 541–0242, *Email: wood.gil@epa.gov.*

David Cole, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711, *Phone:* 919 541–5565, *Fax:* 919 541–0242, *Email: cole.david@epa.gov.*

RIN: 2060–AP93

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Completed Actions

388. Section 610 Review of Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel (Completion of a Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: The rulemaking ''Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel'' was finalized by EPA in June 2004 (69 FR 38958, June 29, 2004). This program set new emission standards for nonroad diesel engines, and fuel standards requiring sulfur reductions in nonroad diesel fuel. EPA developed a Small Entity Compliance Guide, which provides descriptions of the regulations and small entity provisions, Q&As, and other helpful compliance information. This entry in the regulatory agenda describes EPA's review of this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA is considering comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. The results of EPA's review are summarized in a report in the rulemaking docket to conclude this review. This review's Docket ID number is EPA–HQ–OAR–2013–0642; the docket can be accessed at *www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	06/29/04	69 FR 38958
Begin Review	01/07/14	79 FR 1216
End Review	09/30/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Tad Wysor, Environmental Protection Agency, Air and Radiation, USEPA, Ann Arbor, MI 48105, *Phone:* 734 214–4332, *Fax:* 734 214–4816, *Email: Wysor.Tad@epamail.epa.gov.*

RIN: 2060–AR91

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Final Rule Stage

389. Formaldehyde Emissions Standards for Composite Wood Products

Regulatory Plan: This entry is Seq. No. 139 in part II of this issue of the **Federal Register**.

RIN: 2070–AJ92

ENVIRONMENTAL PROTECTION AGENCY (EPA)

60

Long-Term Actions

390. Financial Responsibility Requirements Under CERCLA Section 108(B) for Classes of Facilities in the Hard Rock Mining Industry

Legal Authority: 42 U.S.C. 9601 *et seq.;* 42 U.S.C. 9608(b)

Abstract: Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. The Agency has identified classes of facilities within the Hard Rock mining industry as those for which financial responsibility requirements will be first developed. EPA intends to include requirements for financial responsibility, as well as notification and implementation.

Timetable:

Action	Date	FR Cite
Notice	07/28/09	74 FR 37213
NPRM	08/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ben Lesser, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460, *Phone:* 703 308–0314, *Email: Lesser.Ben@epa.gov.*

Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460, *Phone:* 703 308–7057, *Email: Foster.Barbara@epamail.epa.gov.*

RIN: 2050–AG61

ENVIRONMENTAL PROTECTION AGENCY (EPA)

70

Completed Actions

391. Section 610 Review of National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations (Completion of a Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: The EPA promulgated revised regulations for Concentrated Animal Feeding Operations (CAFOs) on February 12, 2003 (68 FR 7175). Pursuant to section 610 of the Regulatory Flexibility Act, on October 31, 2012, the EPA initiated a review of the 2003 CAFO rule to determine if the provisions as they relate to small entities should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities (77 FR 65840). The EPA solicited and considered comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. The public comment period was scheduled originally to end on December 31, 2012, but was extended to March 1, 2013, in response to requests received for additional time to submit comments (78 FR 277). The EPA completed its review on June 3, 2014 and concluded that there is a continued need for the CAFO regulations, and that the comments received did not demonstrate that revisions are necessary at this time to minimize impacts on small entities. The results of the Section 610 review of the 2003 CAFO Rule were summarized in a report and placed in the rulemaking docket. This review's Docket ID number is EPA–HQ–OW–2012–0813; the docket can be accessed at *www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	02/12/03	68 FR 7176
Begin Review	10/31/12	77 FR 65840
Comment Period Extended.	01/03/13	78 FR 277
End Review	06/03/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Hema Subramanian, Environmental Protection Agency, Water, 4203M, Washington, DC 20460, *Phone:* 202 564–5041, *Fax:* 202 564–6384, *Email: subramanian.hema@epa.gov.*

Katherine Telleen, Environmental Protection Agency, Washington, DC 20460, *Phone:* 202 564–7933, *Email: telleen.katherine@epa.gov.*

RIN: 2040–AF46

[FR Doc. 2014–28976 Filed 12–19–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part XVI

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 102, 301, and 302; and 48 CFR 501–570

48 CFR Chapter 5

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the spring 2014 edition. This agenda was developed under the guidelines of Executive Order 12866 ''Regulatory Planning and Review.'' GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.* In addition GSA's retrospective plan and all plan updates can be viewed at: *www.gsa.gov/improvingregulations.*

The complete Unified Agenda will be available online at *www.reginfo.gov.*

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Division Director, Regulatory Secretariat Division at (202) 501–4755.

Dated: September 23, 2014.

Christine Harada,

Associate Administrator, Office of Government-wide Policy.

GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
392	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G504, Transactional Data Reporting.	3090–AJ51
393	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes).	3090–AJ41

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
394	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2010–G511, Purchasing by Non-Federal Entities.	3090–AJ43

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acqusition Policy

Proposed Rule Stage

392. • General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G504, Transactional Data Reporting

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) announces a public meeting and request for comment on its proposal to amend the General Services Administration Acquisition Regulation (GSAR) to require vendors to report transactional data from orders and prices paid by ordering activities. This includes orders placed against both Federal Supply Schedule (FSS) contract vehicles and GSA's non-FSS contract vehicles—Governmentwide Acquisition Contracts (GWACs) and Multi-Agency Contracts (MACs). The proposed amendment to the GSAR will add an Alternate version of the existing GSAR clause 552.238–74 Industrial Funding Fee and Sales Reporting (IFF) (Federal Supply Schedule) and a new GSAR clause 552.216–75 Sales Reporting and Fee Remittance. Both clauses include the new reporting requirement. Under the FSS program, vendors that agree to the new transactional reporting requirement will have their contracts modified with an alternate version of clause 552.238–75 Price Reductions; the alternate version of clause 552.238–75 does not require the vendor to monitor and provide price reductions to the Government when the customer or category of customer upon which the contract was predicated receives a discount. GSA will implement the new transactional data reporting requirements in phases, beginning with specific contract vehicles, including a few select Federal Supply Schedules, or Special Item Numbers that show the greatest potential to optimize transactional data via category management and reduced price variability. GSA will engage stakeholders throughout the phases of the implementation.

Once implemented, the new GSAR transactional data reporting clauses will enable GSA to provide Federal agencies with further market intelligence and expert guidance in procuring goods and services in each category of GSA acquisition vehicles. The new requirement will not affect the Department of Veterans Affairs (VA) FSS contract holders.

GSA is interested in conducting a dialogue with industry and interested parties in Government about the

proposed change. GSA is seeking feedback on potential impacts to agency customers and contractors alike. Feedback will be used to help inform the development of regulations and other guidance to implement the proposed clauses, provisions, and prescriptions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L Munson, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ51

Office of Governmentwide Policy

393. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes)

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to clarify and update the contracting by negotiation GSAR section and incorporate existing Federal Supply Schedule Contracting policies and procedures, and corresponding provisions and clauses.

Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 54126
NPRM Comment Period End.	11/10/14	
Final Rule	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L Munson, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ41

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Final Rule Stage

394. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2010–G511, Purchasing by Non-Federal Entities

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) issued a proposed rule amending the General Services Administration Acquisition Regulation (GSAR), Describing Agency Needs, to implement the Federal Supply Schedules Usage Act of 2010 (FSSUA), the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 (NAHASDA), the John Warner National Defense Authorization Act for Fiscal Year 2007 (NDAA), and the Local Preparedness Acquisition Act for Fiscal Year 2008 (LPAA), to provide increased access to GSA's Federal Supply Schedules (Schedules). GSA is also amending GSAR regarding Federal Supply Schedule Contracting and Solicitation Provisions and Contract Clauses, in regard to this statutory implementation.

Timetable:

Action	Date	FR Cite
NPRM	04/17/14	79 FR 21691
NPRM Comment Period End.	06/16/14	
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L Munson, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ43

[FR Doc. 2014–28977 Filed 12–19–14; 8:45 am]

BILLING CODE 6820–34–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part XVII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESSES: Director, Office of Internal Controls and Management Systems, Office of Mission Support Directorate, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Parker, (202) 358–0252.

SUPPLEMENTARY INFORMATION: OMB guidelines dated August 25, 2014, ''Fall 2014 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions'' require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each spring and fall.

Pursuant to section 6 of Executive Order 13579 ''Regulation and Independent Regulatory Agencies'' (Jul. 11, 2011), NASA regulations associated with its retrospective review and analysis are described in the Agency's final retrospective plan of existing regulations. Nineteen of these regulations were completed and are described below. NASA's final plan and updates can be found at *http://www.nasa.gov/open,* under the Compliance Documents Section.

Dated: September 19, 2014.

Krista Paquin,

Acting Director, Office of Internal Controls and Management Systems.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
395	Discrimination on Basis of Disability in Federally Assisted Programs and Activities **(Section 610 Review)**	2700–AD85
396	NASA FAR Supplement, Safety and Health Measures and Mishap Reporting **(Section 610 Review)**	2700–AE16
397	NASA FAR Supplement Drug and Alcohol Free Workforce **(Section 610 Review)**	2700–AE17

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
398	Collection of Civil Claims of the United States Arising Out of the Activities of NASA **(Section 610 Review)**	2700–AD83

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
399	NASA Implementation of OMB Guidance for Drug-Free Workplace Requirements (Financial Assistance) **(Section 610 Review)**.	2700–AE15

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Proposed Rule Stage

395. Discrimination on Basis of Disability in Federally Assisted Programs and Activities (Section 610 Review)

Legal Authority: 29 U.S.C. 794, sec 504 of the Rehabilitation Act of 1973, amended

Abstract: This proposed rule will amend 14 CFR 1251 to align with the Department of Justice's (DOJ) implementing regulations incorporating the new accessibility standards. Other amendments include updates to organizational information, use of the term ''disability'' in lieu of the term ''handicap,'' changes to definitions, and other sections based on the Americans With Disabilities Act of 2008. Part 1251 implements the federally assisted provisions of section 504 of the Rehabilitation Act of 1973 (section 504), as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability by recipients of Federal Financial Assistance from NASA. Under Executive Order 12250, the United States Attorney General has the authority to coordinate the implementation and enforcement of a variety of civil rights statutes by Federal agencies such as NASA, including section 504.

The revisions to this rule are part of NASA's retrospective plan under Executive Order 13563, completed in August 2011. NASA's full plan can be accessed at: *http://www.nasa.gov/open.*

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Robert W. Cosgrove, External Compliance Manager, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20546, *Phone:* 202 358–0446, *Fax:* 202 358–3336, *Email: robert.cosgrove@nasa.gov.*

RIN: 2700–AD85

396. • NASA FAR Supplement, Safety and Health Measures and Mishap Reporting (Section 610 Review)

Legal Authority: Not Yet Determined

Abstract: This rule revises the NASA FAR Supplement (NFS) to change the title of clause 1852.223–70 to better reflect its content and also to update the clause to include current safety requirements and delete obsolete coverage.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Leigh Pomponio, Program Analyst, Office of Procurement, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20746, *Phone:* 202 358–0592, *Email: leigh.pomponio-1@nasa.gov.*

RIN: 2700–AE16

397. • NASA FAR Supplement Drug and Alcohol Free Workforce (Section 610 Review)

Legal Authority: 51 U.S.C. 20113(c)

Abstract: NASA is proposing to amend the NASA FAR Supplement (NFS) to remove requirements related to the discontinued Space Flight Mission Critical Systems Personnel Reliability Program and to revise requirements related to contractor drug and alcohol testing.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Leigh Pomponio, Program Analyst, Office of Procurement, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20746, *Phone:* 202 358–0592, *Email: leigh.pomponio-1@nasa.gov.*

RIN: 2700–AE17

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

398. Collection of Civil Claims of the United States Arising Out of the Activities of NASA (Section 610 Review)

Legal Authority: 31 U.S.C. sec 3711

Abstract: This direct final rule amends 14 CFR 1261 subpart 4 to make non-substantive changes to change the amount to collect installment payments from $20,000 to $100,000 to align with title 31 subchapter II Claims of the United States Government section 3711(a)(2) Collection and Compromise. Subpart 4 prescribes standards for the administrative collection compromise suspension or termination of collection and referral to the Government Accountability Office (GAO) and/or to the Department of Justice for litigation of civil claims as defined by 31 U.S.C. 3701(b) arising out of the activities of designated NASA officials authorized to effect actions and requires compliance with GAO/DOJ joint regulations at 4 CFR parts 101–105 and the Office of Personnel Management regulations at 5 CFR part 550 subpart K. There are also some statue citation and terminology updates. The revisions to this rule are part of NASA's retrospective plan under Executive Order 13563 completed in August 2011. NASA's full plan can be accessed at: *http://www.nasa.gov/open.*

Timetable:

Action	Date	FR Cite
Final Rule	03/00/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: James A. Reistrup, Senior Attorney, National Aeronautics and Space Administration, Office of the General Counsel, 300 E Street SW., Washington, DC 20546, *Phone:* 202 358–2027, *Fax:* 202 358–4955, *Email: james.a.reistrup@nasa.gov.*

RIN: 2700–AD83

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Completed Actions

399. • NASA Implementation of OMB Guidance for Drug-Free Workplace Requirements (Financial Assistance) (Section 610 Review)

Legal Authority: 51 U.S.C. 20113(C)

Abstract: NASA is implementing, and thereby giving regulatory effect to, the OMB guidance on drug-free workplace requirements for financial assistance. Further, NASA is relocating existing Agency-specific regulations on drug-free workplace requirements for financial assistance from title 14 to title 2 of the Code of Federal Regulations (CFR), consistent with the Office of Management and Budget's (OMB) guidance assistance. The relocation of existing coverage is an administrative simplification that makes no substantive change in NASA policy or procedures for drug-free workplace requirements for financial assistance.

Timetable:

Action	Date	FR Cite
Direct Final Rule	09/22/14	79 FR 56486
Direct Final Rule Effective.	09/22/14	
Final Rule	10/21/14	79 FR 62797
Final Rule Effective.	10/21/14	
Comment Period End.	10/22/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Leigh Pomponio, Program Analyst, Office of Procurement, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20746, *Phone:* 202 358–0592, *Email: leigh.pomponio-1@nasa.gov.*

RIN: 2700–AE15

[FR Doc. 2014–28982 Filed 12–19–14; 8:45 am]

BILLING CODE 7510–13–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part XVIII

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of all current and projected rulemakings, existing regulations, and completed actions of the Small Business Administration (SBA). For this fall edition of the SBA's Regulatory Agenda, a Regulatory Plan that contains a list of the Agency's most important and significant regulatory actions and a Statement of Regulatory Priorities is also included.

This plan appears in both the online Unified Agenda and in part II of the **Federal Register** editions that includes the abbreviated Unified Agenda.

This agenda provides the public with information about SBA's regulatory activity. SBA invites the public to submit comments on any aspect of this Agenda. SBA expects that providing early information about pending regulatory activities would encourage more effective public participation in this process.

FOR FURTHER INFORMATION CONTACT:

General: Please direct general comments or inquiries to Imelda A. Kish, Law Librarian, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 205–6849, *imelda.kish@sba.gov.*

Specific: Please direct specific comments and inquiries on individual regulatory activities identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: SBA provides this notice under the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 and Executive Order 12866, ''Regulatory Planning and Review,'' which require each agency to publish a semiannual agenda of regulations. The Regulatory Agenda is a summary of all current and projected rulemakings during the coming one-year period, as well as actions completed since the publication of the last Regulatory Agenda for the agency.

Beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that greatly enhances a user's ability to obtain information about the rules in the agency's Agenda.

The Regulatory Flexibility Act (RFA) also requires federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda contains only those rules listed in the semi-annual agenda that are likely to have a significant economic impact on a substantial number of small entities, and those rules identified for periodic review in keeping with the requirements of section 610 of the RFA. This regulatory flexibility agenda may be combined with any other agenda. Therefore, SBA's Fall 2014 Regulatory Agenda includes, as a subset, those regulatory actions that are in the SBA's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the RFA requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: September 26, 2014.

Maria Contreras-Sweet,

Administrator.

SMALL BUSINESS ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
400	Small Business Development Centers (SBDC) Program Revisions	3245–AE05
401	Women's Business Center Program	3245–AG02
402	Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Policy Directives; Data Rights; Phase III Award Preference; Other Clarifying Amendments.	3245–AG64
403	Small Business Timber Set-Aside Program	3245–AG69

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
404	SBA Express Loan Program; Export Express Program	3245–AF85
405	Implementation of Small Business Disaster Response and Loan Improvement Act: Expedited Disaster Assistance Program.	3245–AF88
406	Implementation of Small Business Disaster Response and Loan Improvement Act: Private Disaster Loan Program.	3245–AF99
407	Small Business Mentor-Protege Programs	3245–AG24
408	Small Business HUBZone Program	3245–AG38
409	Agent Revocation and Suspension Procedures	3245–AG40
410	Small Business Size Standards for Manufacturing	3245–AG50
411	Small Business Size Standards for Other Industries With Employee-Based Size Standards Not Part of Manufacturing Wholesale Trade or Retail Trade.	3245–AG51
412	Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments	3245–AG58

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
413	Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade	3245–AG49
414	Advisory Small Business Size Decisions	3245–AG59

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
415	Small Business Size Standards; Inflation Adjustment to Monetary-Based Size Standards	3245–AG60

SMALL BUSINESS ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
416	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245–AG16

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
417	Lender Oversight Program	3245–AE14
418	504 and 7(a) Loan Programs Updates	3245–AG04

SMALL BUSINESS ADMINISTRATION (SBA)

400. Small Business Development Centers (SBDC) Program Revisions

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: Updates the SBDC program regulations by amending the (1) procedures for approving applications for new Host SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new or renewal applications for SBDC grants, including the requirements for electronic submission through the approved electronic Government submission facility; and (5) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: J. Chancy Lyford, Deputy Associate Administrator, Office of Small Development Centers, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone*: 202 205–7159, *Fax:* 202 481–2613, *Email: chancy.lyford@sba.gov.*

RIN: 3245–AE05

401. Women's Business Center Program

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 656

Abstract: SBA's Office of Women's Business Ownership (OWBO) oversees a network of SBA-funded Women's Business Centers (WBCs) throughout the United States and its territories. WBCs provide management and technical assistance to small business concerns both nascent and established, with a focus on such businesses that are owned and controlled by women, or on women planning to start a business, especially women who are economically or socially disadvantaged. The training and counseling provided by the WBCs encompass a comprehensive array of topics, such as finance, management and marketing in various languages. This rule would propose to codify the requirements and procedures that govern the delivery, funding and evaluation of the management and technical assistance provided under the WBC Program. The rule would address, among other things, the eligibility criteria for selection as a WBC, use of Federal funds, standards for effectively carrying out program duties and responsibilities, and the requirements for reporting on financial and programmatic performance.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bruce D. Purdy, Deputy Assistant Administrator, Office of Women's Business Ownership, Small Business Administration, Washington, DC 20416, *Phone:* 202 205–7532, *Email: bruce.purdy@sba.gov.*

RIN: 3245–AG02

402. • Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Policy Directives; Data Rights; Phase III Award Preference; Other Clarifying Amendments

Legal Authority: 15 U.S.C. 638(p); Pub. L. 112–81, sec 5001, *et seq.*

Abstract: This Directive seeks comments from the public on two key areas of the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Policy Directives that the SBA is considering revising: SBIR/STTR data rights, and the Government's responsibilities with respect to SBIR/STTR Phase III awards. The SBA intends to update policy directive language on miscellaneous topics including the calculation of extramural R/R&D and to provide greater clarity and detail on these issues in the Policy Directive. SBA also intends to combine the directives for the two programs into a single document to simplify the reference and revision processes.

Timetable:

Action	Date	FR Cite
ANPRM	11/07/14	79 FR 66342
ANPRM Comment Period End.	01/06/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edsel M. Brown Jr., Assistant Director, Office of Innovation, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6450, *Email: edsel.brown@sba.gov.*

RIN: 3245–AG64

403. • Small Business Timber Set-Aside Program

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 644(a)

Abstract: Under the Small Business Timber Set-Aside Program, timber sales must be set aside for small business when small business participation falls below a certain amount. This threshold is based on a computation of small business participation in a prior five-year period. Through this ANPRM SBA will seek public comment and information on whether the saw timber volume purchase on stewardship timber/service contracts should be included, which may expand the small business set-aside calculation. SBA will also seek public comment on whether the appraisal on set-aside sales should be made to the nearest small business mill to reflect the actual cost to an eligible bidder. In addition, SBA is requesting data on the timber industry to help evaluate the current program and economic impact of potential changes.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda J. Fernandez, Procurement Analyst, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7337, *Email: brenda.fernandez@sba.gov.*

RIN: 3245–AG69

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

404. SBA Express Loan Program; Export Express Program

Legal Authority: 15 U.S.C. 636(a)(31) and (35)

Abstract: SBA plans to issue regulations for the SBA Express loan program codified in section 7(a)(31) of the Small Business Act. The SBA Express loan program reduces the number of Government mandated forms and procedures, streamlines the processing and reduces the cost of smaller, less complex SBA loans. Particular features of the SBA Express loan program include: (1) SBA Express loans carry a maximum SBA guaranty of 50 percent; (2) a response to an SBA Express loan application will be given within 36 hours; (3) lenders and borrowers can negotiate the interest rate, which may not exceed SBA maximums; and (4) qualified lenders may be granted authorization to make eligibility determinations. SBA also plans to issue regulations for the Export Express Program codified at 7(a)(35) of the Small Business Act. The Export Express Program, made permanent by the Small Business Jobs Act, makes guaranteed financing available for export development activities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Rusche, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6396, *Email: linda.rusche@sba.gov.*

RIN: 3245–AF85

405. Implementation of Small Business Disaster Response and Loan Improvement Act: Expedited Disaster Assistance Program

Legal Authority: 15 U.S.C. 636j

Abstract: This proposed rule would establish and implement an expedited disaster assistance business loan program under which the SBA will guarantee short-term loans made by private lenders to eligible small businesses located in a catastrophic disaster area. The maximum loan amount is $150,000, and SBA will guarantee timely payment of principal and interest to the lender. The maximum loan term will be 180 days, and the interest rate will be limited to 300 basis points over the Federal funds rate.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Rusche, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6396, *Email: linda.rusche@sba.gov.*

RIN: 3245–AF88

406. Implementation of Small Business Disaster Response and Loan Improvement Act: Private Disaster Loan Program

Legal Authority: 15 U.S.C. 636(c)

Abstract: This proposed rule would establish and implement a private disaster loan program under which SBA will guarantee loans made by qualified lenders to eligible small businesses and homeowners located in a catastrophic disaster area. Private disaster loans made under this programs will have the same terms and conditions as SBA's direct disaster loans. In addition, SBA will guarantee timely payment of principal and interest to the lender. SBA may guarantee up to 85 percent of any loan under this program, and the maximum loan amount is $2 million.

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Rusche, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6396, *Email: linda.rusche@sba.gov.*

RIN: 3245–AF99

407. Small Business Mentor-Protege Programs

Legal Authority: Pub. L. 111–240; sec 1347;15 U.S.C. 657r

Abstract: SBA currently has a mentor-protege program for the 8(a) Business Development Program that is intended to enhance the capabilities of the protege and to improve its ability to successfully compete for Federal contracts. The Small Business Jobs Act authorized SBA to use this model to establish similar mentor-protege programs for the Service Disabled Veteran-Owned, HUBZone, and Women-Owned Small Federal Contract Business Programs and the National Defense Authorization Act for Fiscal Year 2013 authorized this for all small businesses. This authority is consistent with recommendations issued by an interagency task force created by President Obama on Federal Contracting Opportunities for Small Businesses. As is the case with the current mentor-protege program, the various forms of assistance that a mentor will be expected to provide to a protege include technical and/or management assistance; financial assistance in the form of equity investment and/or loans; subcontracts; and/or assistance in performing prime contracts with the Government in the form of joint venture arrangements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda J. Fernandez, Procurement Analyst, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7337, *Email: brenda.fernandez@sba.gov.*

RIN: 3245–AG24

408. Small Business HUBZone Program

Legal Authority: 15 U.S.C. 657a

Abstract: SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the proposed rule would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this proposed rule, SBA will focus on the principles of Executive Order 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program more effective and/or less burdensome on small business concerns. At the same time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mariana Pardo, Director, Office of HUBZone, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 205–2985, *Email: mariana.pardo@sba.gov.*

RIN: 3245–AG38

409. Agent Revocation and Suspension Procedures

Legal Authority: 15 U.S.C. 634; 15 U.S.C. 642

Abstract: These changes to 13 CFRs 103, 134, and 2 CFR 2700 lay out a procedural process for SBA's revocation of the privilege of agents to conduct business with the Agency. Included in this process are procedures for proposed revocation, the opportunity to object to the proposed revocation, the revocation decision, as well as requests for reconsideration. These procedures also provide for suspension of the privilege to conduct business with the Agency pending a revocation action. In addition, these changes remove Office of Hearings and Appeals review of suspension, revocation, and debarment actions by SBA.

Timetable:

Action	Date	FR Cite
NPRM	10/16/14	79 FR 62060
NPRM Comment Period End.	12/15/14	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Debra Mayer, Chief, Supervision and Enforcement, Office of Credit Risk Management, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7577, *Email: debra.mayer@sba.gov.*

RIN: 3245–AG40

410. Small Business Size Standards for Manufacturing

Legal Authority: 15 U.S.C. 632(a)

Abstract: On September 10, 2014, the U.S. Small Business Administration (SBA), published a proposed rule to increase employee based size standards for 209 industries in North American Industry Classification System (NAICS) Section 31–33, Manufacturing. SBA also proposed to increase the refining capacity component of the Petroleum Refiners (NAICS 324110) size standard to 200,000 barrels per calendar day total capacity for businesses that are primarily engaged in petroleum refining. The proposed rule also eliminated the requirement that 90 percent of a refiner's output being delivered should be refined by the bidder. As a part of its comprehensive size standards review required by the Small Business Jobs Act of 2010, SBA evaluated all 364 industries in NAICS Sector 31–33 to determine whether their size standards should be retained or revised. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 54146
NPRM Comment Period End.	11/10/14	
Final Rule	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG50

411. Small Business Size Standards for Other Industries With Employee-Based Size Standards Not Part of Manufacturing Wholesale Trade or Retail Trade

Legal Authority: 15 U.S.C. 632(a)

Abstract: On September 10, 2014, the U.S. Small Business Administration (SBA) published a proposed rule to increase to increase the employee-based size standards for 30 industries and three exceptions and decrease them for three industries that are not a part of NAICS Sector 31–33 (Manufacturing) Sector 42 (Wholesale Trade) and Sector 44–45 (Retail Trade). Additionally, SBA proposed to remove the Information Technology Value Added Resellers exception under NAICS 541519 (Other Computer Related Services) together with its 150-employee size standard. Similarly, SBA also proposed to eliminate the Offshore Marine Air Transportation Services exception under NAICS 481211 and 481212 and Offshore Marine Services exception under NAICS Subsector 483 and their $30.5 million receipts based size standard. As part of its comprehensive size standards review required by the Small Business Jobs Act of 2010 SBA evaluated 57 industries and five exceptions with employee based size standards that are not in NAICS Sectors 31–33 42 or 4445. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its Size Standards Methodology, which is available on its Web site at *http://www.sba.gov/size* to this proposed rule.

Please Note: The title for this rule has been changed since it was first announced in the Regulatory Agenda on January 8, 2013 to add the words or Retail Trade at the end of the previous title. This change makes it clear that industries in the retail trade with employee based size standards are also not addressed in the rule.

Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 53646
NPRM Rule Correction.	10/24/14	79 FR 62576
NPRM Comment Period End.	11/10/14	
Final Rule	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG51

412. Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments

Legal Authority: 15 U.S.C. 631; Pub. L. 112–239

Abstract: The rule would propose various small business related amendments authorized by various sections of the NDAA of 2013 with respect to the limitations on subcontracting and non-manufacturer rules that apply to set aside contracts. SBA would propose amendments concerning joint ventures, the applicability of the non-manufacturer rule to the purchase of software; recertification of size; affiliation in the context of Small Innovation Research program; the definition of a construction contract for purposes of an adverse impact analysis in connection with 8(a) Business Development program contract; Procurement Center Representative responsibilities; small business subcontracting assistance and reporting; Certificates of Competency; and penalties for violations of the subcontracting limitations and protection for small businesses that acted in good faith in connection with such limitations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda J. Fernandez, Procurement Analyst, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7337, *Email: brenda.fernandez@sba.gov.*

RIN: 3245–AG58

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

413. Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade

Legal Authority: 15 U.S.C. 632(a)

Abstract: On May 19, 2014, the U.S. Small Business Administration (SBA) published a proposed rule to increase employee based size standards in 46 industries in North American Industry Classifcation System (NAICS) Sector 42, Wholesale Trade, and in one industry in Sector 44–45, Retail Trade. As a part of its comprehensive size standards review required by the Small Business Jobs Act of 2012, SBA reviewed all 71 industries in Sector 42 and two industries with employee based size standards in Sector 44–45 to determine whether their size standards should be retained or revised. The proposed revisions, if adopted, will primarily affect eligibility for SBA's financial assistance programs. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this purposed rule. SBA expects to publish the final rule in the near future.

NOTE: The title for this rule has been changed since the rule was first reported in the Regulatory Agenda on January 8, 2013, from ''Small Business Size Standards for Wholesale Trade'' to ''Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade.'' The title was changed to make it clear that the rule also addresses industries with employee based size standards in Retail Trade.

Timetable:

Action	Date	FR Cite
NPRM	05/19/14	79 FR 28631
NPRM Comment Period End.	07/18/14	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG49

414. Advisory Small Business Size Decisions

Legal Authority: 15 U.S.C. 645(d)(3)

Abstract: The purpose of the statute is to establish procedures for Small Business Development Centers (SBDCs) (SBA grantees) or Procurement Technical Assistance Centers (PTACs) (DOD grantees) to issue advisory size decisions. This rule would provide guidance to SBDCs and PTACs regarding the minimum requirements that small business status advisory opinions must meet in order to be deemed adequate by SBA. The rule would also require the SBDC or PTAC issuing the advisory opinion to remit a copy of the opinion to SBA for review, and establish a 10 day deadline by which SBA must either accept or reject the advisory opinion. If SBA rejects the advisory opinion, the Agency will notify the entity which issued the opinion and the firm to which it applies, after which time the firm is no longer entitled to rely upon the opinion or invoke the safe harbor provisions of the statute. If SBA accepts the advisory opinion, then the firm may rely on the SBDC or PTAC advisory opinion and is entitled to invoke the safe harbor provision as a defense to punishments imposed under 15 U.S.C. 645, Offenses and Penalties, which prescribes fines and imprisonment for false statements. The rule would also make clear that SBA has the authority to initiate a formal size determination of a firm that is the subject of a small business status advisory opinion where the Agency concludes that opinion contains information that calls into question the firm's small business status.

Timetable:

Action	Date	FR Cite
NPRM	06/25/14	79 FR 35963
NPRM Comment Period End.	08/25/14	
Final Rule	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda J. Fernandez, Procurement Analyst, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7337, *Email: brenda.fernandez@sba.gov.*

RIN: 3245–AG59

415. Small Business Size Standards; Inflation Adjustment to Monetary-Based Size Standards

Legal Authority: 15 U.S.C. 632(a)

Abstract: On June 12, 2014, SBA issued an interim final rule with request for comments to adjust its monetary small business size standards (*i.e.,* receipts, net income, net worth, and financial assets), for the effects of inflation that have occurred since the last inflation adjustment, which was effective August 19, 2008. The interim final rule aimed to restore small business eligibility to businesses that have lost their small business status due to inflation. The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to review and adjust (as necessary) all size standards within five years of its enactment. SBA's Small Business Size Regulations at 13 CFR 121.102(c)

require the same quinquennial (or less) review and adjustment. The rule did not increase the $750,000 size standard for agricultural enterprises, which is established by the Small Business Act (§ 3(a)(1)). The alternate size standard used in the 7(a) and 504 business loan programs is unaffected by this adjustment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/14	79 FR 33647
Interim Final Rule Effective.	07/14/14	
Interim Final Rule Comment Period End.	08/11/14	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG60

SMALL BUSINESS ADMINISTRATION (SBA)

Long-Term Actions

416. Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs

Legal Authority: Pub. L. 111–240, sec 1116

Abstract: SBA will amend its size eligibility criteria for Business Loans, community development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. These alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG16

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

417. Lender Oversight Program

Legal Authority: 15 U.S.C. 634(b)(6), (b)(7), (b)(14), (h) and note; 687(f), 697e(c)(8), and 650

Abstract: This rule implements the Small Business Administration's (SBA) statutory authority under the Small Business Act to regulate Small Business Lending Companies (SBLCs) and non-federally regulated lenders (NFRLs). It also conforms SBA rules for the section 7(a) Business Loan Program and the Certified Development Company (CDC) Program.

In particular, this rule: (1) Defines SBLCs and NFRLs; (2) clarifies SBA's authority to regulate SBLCs and NFRLs; (3) authorizes SBA to set certain minimum capital standards for SBLCs, to issue cease and desist orders, and revoke or suspend lending authority of SBLCs and NFRLs; (4) establishes the Bureau of Premier Certified Lender Program Oversight in the Office of Credit Risk Management; (5) transfers existing SBA enforcement authority over CDCs from the Office of Financial Assistance to the appropriate official in the Office of Capital Access; and (6) defines SBA's oversight and enforcement authorities relative to all SBA lenders participating in the 7(a) and CDC programs and intermediaries in the Microloan program.

Completed:

Reason	Date	FR Cite
Interim Final Rule	12/11/08	73 FR 75498
Interim Final Rule Comment Period End.	03/11/09	
Interim Final Rule Effective.	01/12/09	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brent Ciurlino, *Phone:* 202 205–6538, *Email: brent.ciurlino@sba.gov.*

RIN: 3245–AE14

418. 504 and 7(a) Loan Programs Updates

Legal Authority: 15 U.S.C. 695 *et seq.,* 15 U.S.C. 636(a)

Abstract: The 7(a) Loan Program and 504 Loan Program are SBA's two primary business loan programs authorized under the Small Business Act and the Small Business Investment Act of 1958, respectively.

The 7(a) Loan Program's main purpose is to help eligible small businesses obtain credit when they cannot obtain ''credit elsewhere.'' This program is also an important engine for job creation. On the other hand, the core mission of the 504 Loan Program is to provide long-term fixed asset financing to small businesses to facilitate the creation of jobs and local economic development. The purpose of this proposed rulemaking is to reinvigorate these programs as vital tools for creating and preserving American jobs. SBA proposes to strip away regulatory restrictions that detract from the 504 Loan Program's core job creation mission as well as the 7(a) Loan Program's positive job creation impact on the American economy. The proposed changes would enhance job creation through increasing eligibility for loans under SBA's business loan programs and by modifying certain program participant requirements applicable to these two programs. The major changes that SBA is proposing include changes relating to the personal resources test, the 9-month rule for the 504 Loan Program, and CDC operational and organizational requirements.

Completed:

Reason	Date	FR Cite
Final Rule	03/21/14	79 FR 15641
Final Rule Effective.	04/21/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John P. Kelley, *Phone:* 202 205–0067, *Fax:* 202 292–3844, *Email: patrick.kelley@sba.gov.*

RIN: 3245–AG04

[FR Doc. 2014–28983 Filed 12–19–14; 8:45 am]

BILLING CODE 8025–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part XIX

Department of Defense

General Services Administration

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 ''Regulatory Planning and Review.'' This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process. The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.acquisition.gov.*

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Director, Regulatory Secretariat Division, 1800 F Street, NW., 2nd Floor, Washington, DC 20405–0001, 202–501–4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR Web site at *http://www.acquisition.gov/far.*

Dated: September 19, 2014.

Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
419	Federal Acquisition Regulation (FAR); FAR Case 2013–020, Information on Corporate Contractor Performance and Integrity.	9000–AM74
420	Federal Acquisition Regulation (FAR); FAR Case 2014–022, Inflation Adjustment of Acquisition—Related Thresholds.	9000–AM80
421	Federal Acquisition Regulation (FAR); FAR Case 2014–025, Fair Pay and Safe Workplaces	9000–AM81

DOD/GSA/NASA (FAR)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
422	Federal Acquisition Regulation (FAR); FAR Case 2011–001; Organizational Conflicts of Interest	9000–AL82
423	Federal Acquisition Regulation (FAR); FAR Case 2010–013, Privacy Training	9000–AM02
424	Federal Acquisition Regulation (FAR); FAR Case 2011–020; Basic Safeguarding of Contractor Information Systems.	9000–AM19
425	Federal Acquisition Regulation (FAR); FAR Case 2013–001, Ending Trafficking in Persons	9000–AM55
426	Federal Acquisition Regulation (FAR); FAR Case 2013–015, Pilot Program for Enhancement of Contractor Employee Whistleblower Protections.	9000–AM56
427	Federal Acquisition Regulation (FAR); FAR Case 2012–032, Higher-Level Contract Quality Requirements	9000–AM65
428	Federal Acquisition Regulation (FAR); FAR Case 2012–022, Contracts Under the Small Business Administration 8(a) Program.	9000–AM68
429	Federal Acquisition Regulation (FAR); FAR Case 2013–022, Extension of Limitations on Contractor Employee Personal Conflicts of Interest.	9000–AM69
430	Federal Acquisition Regulation (FAR); FAR Case 2013–016; EPEAT Items	9000–AM71
431	Federal Acquisition Regulation (FAR); FAR Case 2014–006; Year Format	9000–AM72
432	Federal Acquisition Regulation (FAR); FAR Case 2014–012, Limitation on Allowable Government Contractor Compensation Costs.	9000–AM75
433	Federal Acquisition Regulation (FAR); FAR Case 2014–001; Incorporating Section K in Contracts	9000–AM78
434	Federal Acquisition Regulation (FAR); FAR Case 2015–003; Establishing a Minimum Wage for Contractors.	9000–AM82

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
435	Federal Acquisition Regulation (FAR); FAR Case 2009–016; Federal Contracting Programs for Minority-Owned and Other Small Businesses.	9000–AM05
436	Federal Acquisition Regulation (FAR); FAR Case 2012–028; Contractor Comment Period—Past Performance Evaluations.	9000–AM40
437	Federal Acquisition Regulation (FAR); FAR Case 2012–014; Small Business Protests and Appeals	9000–AM46
438	Federal Acquisition Regulation (FAR); FAR Case 2012–024; Commercial and Government Entity Code	9000–AM49
439	Federal Acquisition Regulation (FAR); FAR Case 2012–016; Defense Base Act	9000–AM50
440	Federal Acquisition Regulation (FAR); FAR Case 2011–023, Irrevocable Letters of Credit	9000–AM53

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
441	Federal Acquisition Regulation (FAR); FAR Case 2013–010, Contracting With Women-Owned Small Businesses.	9000–AM59
442	Federal Acquisition Regulation (FAR); FAR Case 2012–023, Uniform Procurement Identification	9000–AM60
443	Federal Acquisition Regulation (FAR); FAR Case 2013–017, Allowability of Legal Costs for Whistleblower Proceedings.	9000–AM64

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

419. Federal Acquisition Regulation (FAR); FAR Case 2013–020, Information on Corporate Contractor Performance and Integrity

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to implement a section of the National Defense Authorization Act for Fiscal Year 2013 to include in the Federal Awardee Performance and Integrity Information System (FAPIIS), to the extent practicable, identification of any immediate owner or subsidiary, and all predecessors of an offeror that held a Federal contract or grant within the last three years. The objective is to provide a more comprehensive understanding of the performance and integrity of the corporation in awarding Federal contracts. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2014), available at *https://www.acquisition.gov/.*

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia Davis, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AM74

420. • Federal Acquisition Regulation (FAR); FAR Case 2014–22, Inflation Adjustment Of Acquuisition—Related Thresholds

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to further implement 41 U.S.C. 1908, Inflation adjustment of acquisition-related dollar thresholds. This statute requires an adjustment every five years of acquisition-related thresholds for inflation using the Consumer Price Index for all urban consumers, except for the Construction Wage Rate Requirements statute (Davis-Bacon Act), Service Contract Labor Standards statute, and trade agreements thresholds. DoD, GSA, and NASA are also proposing to use the same methodology to adjust nonstatutory FAR acquisition-related thresholds in 2015.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AM80

421. • Federal Acquisition Regulation (FAR); FAR Case 2014–025, Fair Pay and Safe Workplaces

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a proposed rule amending the Federal Acquisition Regulation (FAR) which implements Executive Order 13673, Fair Pay and Safe Workplaces, seeks to increase efficiency in the work performed by Federal contractors by ensuring that they understand and comply with labor laws designed to promote safe, healthy, fair and effective workplaces

Timetable:

Action	Date	FR Cite
NPRM	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov.*

RIN: 9000–AM81

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

422. Federal Acquisition Regulation (FAR); FAR Case 2011–001; Organizational Conflicts of Interest

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to provide revised regulatory coverage on organizational conflicts of interest (OCIs), and add related provisions and clauses. Coverage on contractor access to protected information has been moved to a new proposed rule, FAR Case 2012–029 now folded into FAR Case 2014–021. Section 841 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417) required a review of the FAR coverage on OCIs. The proposed rule was developed as a result of a review conducted in accordance with section 841 by the Civilian Agency Acquisition Council, the Defense Acquisition Regulations Council, and the Office of Federal Procurement Policy, in consultation with the Office of Government Ethics. The proposed rule was preceded by an Advance Notice of Proposed Rulemaking, under FAR Case 2007–018 (73 FR 15962), to gather comments from the public with regard to whether and how to improve the FAR coverage on OCIs. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2014), available at: *https://www.acquisition.gov/.*

Timetable:

Action	Date	FR Cite
NPRM	04/26/11	76 FR 23236
NPRM Comment Period End.	06/27/11	
NPRM Comment Period Extended.	06/29/11	76 FR 38089
Comment Period End.	07/27/11	
Final Rule	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah Erwin, Attorney–Advisor in the Office of Governmentwide Policy, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–2164, *Email: deborah.erwin@gsa.gov*.

RIN: 9000–AL82

423. Federal Acquisition Regulation (FAR); FAR Case 2010–013, Privacy Training

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to ensure that all contractors are required to complete training in the protection of privacy and the handling and safeguarding of Personally Identifiable Information (PII). The proposed FAR language provides flexibility for agencies to conduct the privacy training or require the contractor to conduct the privacy training.

Timetable:

Action	Date	FR Cite
NPRM	10/14/11	76 FR 63896
NPRM Comment Period End.	12/13/11	
Final Rule	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–2364, *Email: karlos.morgan@gsa.gov.*

RIN: 9000–AM02.

424. Federal Acquisition Regulation (FAR); FAR Case 2011–020; Basic Safeguarding of Contractor Information Systems

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to add a new subpart and contract clause for the safeguarding of contractor information systems that contain information provided by the Government (other than public information) or generated for the Government that will be resident on or transiting through contractor information systems.

Timetable:

Action	Date	FR Cite
NPRM	07/26/12	77 FR 51496
NPRM Comment Period End.	10/23/12	
Final Rule	03/00/15.	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Marissa Petrusek, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0136, *Email: marissa.petrusek@gsa.gov*

RIN: 9000–AM19

425. Federal Acquisition Regulation (FAR); FAR Case 2013–001, Ending Trafficking In Persons

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation to strengthen protections against trafficking in persons in Federal contracts. These changes are intended to implement Executive Order 13627, entitled ''Strengthening Protections Against Trafficking in Persons in Federal Contracts,'' and title XVII of the National Defense Authorization Act for Fiscal Year 2013.

Timetable:

Action	Date	FR Cite
NPRM	09/26/13	78 FR 59317
NPRM Comment Period End.	12/20/13	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Petrusek, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0136, *Email: marissa.petrusek@gsa.gov*.

RIN: 9000–AM55

426. Federal Acquisition Regulation (FAR); Far Case 2013–015, Pilot Program for Enhancement of Contractor Employee Whistleblower Protections

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued an interim rule amending the Federal Acquisition Regulation to implement a statutory pilot program enhancing whistleblower protections for contractor employees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/13	78 FR 60169
Interim Final Rule Comment Period End.	11/29/13	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia Davis, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AM56

427. Federal Acquisition Regulation (FAR); FAR Case 2012–032, Higher-Level Contract Quality Requirements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation to clarify when to use higher-level quality standards in solicitations and contracts, and to update the examples of higher-level quality standards by revising obsolete standards and adding two new industry standards that pertain to quality assurance for avoidance of counterfeit items. These standards will be used to help minimize and mitigate counterfeit items or suspect counterfeit items in Government contracting.

Timetable:

Action	Date	FR Cite
NPRM	12/03/13	78 FR 72620
NPRM Comment Period End.	02/03/14	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Petrusek, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0136, *Email: marissa.petrusek@gsa.gov*.

RIN: 9000–AM65

428. Federal Acquisition Regulation (FAR); FAR Case 2012–022, Contracts Under The Small Business Administration 8(A) Program

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation (FAR) to implement revisions made by the Small Business Administration to its regulations implementing section 8(a) of the Small Business Act, and to provide additional FAR coverage regarding protesting an 8(a) participant's eligibility or size status, procedures for

releasing a requirement for non-8(a) procurements, and the ways a participant could exit the 8(a) Business Development program.

Timetable:

Action	Date	FR Cite
NPRM	02/03/14	79 FR 6135
NPRM Comment Period End.	04/14/14	
Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AM68.

429. Federal Acquisition Regulation (FAR); FAR Case 2013–022, Extension of Limitations on Contractor Employee Personal Conflicts of Interest

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year 2013 to extend the limitations on contractor employee personal conflicts of interest to apply to the performance of all functions that are closely associated with inherently governmental functions and contracts for personal services.

Timetable:

Action	Date	FR Cite
NPRM	04/02/14	79 FR 18503
NPRM Comment Period End.	06/02/14	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia Davis, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AM69

430. • Federal Acquisition Regulation (FAR); FAR Case 2013–016; EPEAT Items

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued an interim rule amending the Federal Acquisition Regulation to implement changes in the Electronic Product Environmental Assessment Tool (EPEAT®) registry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/24/14	79 FR 35859
Interim Final Rule Comment Period End.	08/25/14	
Final Rule	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Petrusek, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0136, *Email: marissa.petrusek@gsa.gov*.

RIN: 9000–AM71

431. • Federal Acquisition Regulation (FAR); FAR Case 2014–006; Year Format

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation to delete regulations relating to the year 2000 compliance.

Timetable:

Action	Date	FR Cite
NPRM	02/25/14	79 FR 16274
NPRM Comment Period End.	05/27/14	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov*.

RIN: 9000–AM72

432. Federal Acquisition Regulation (FAR); FAR Case 2014–012, Limitation on Allowable Government Contractor Compensation Costs

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA issued an interim rule amending the Federal Acquisition Regulation to implement Section 702 of the Bipartisan Budget Act of 2013. In accordance with Section 702, the interim rule revises the allowable cost limit relative to the compensation of contractor and subcontractor employees. Also, in accordance with section 702, this interim rule implements the possible exception to this allowable cost limit for narrowly targeted scientists, engineers, or other specialists upon an agency determination that such exceptions are needed to ensure that the executive agency has continued access to needed skills and capabilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/24/14	79 FR 35865
Interim Final Rule Comment Period End.	08/25/14	
Final Rule	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–3221, *Email: edward.chambers@gsa.gov*.

RIN: 9000–AM75

433. • Federal Acquisition Regulation (FAR); Far Case 2014–001; Incorporating Section K In Contracts

Legal Authority: 40 U.S.C. 121)c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation to standardize the incorporation by reference of representations and certifications in contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/23/14	79 FR 22615
NPRM Comment Period End.	06/23/14	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis Glover, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AM78

434.• Federal Acquisition Regulation (FAR); FAR Case 2015–003; Establishing a Minimum Wage for Contractors

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13658, Establishing a Minimum Wage for Contractors, and a final rule issued by the Department of Labor (DOL) at 29 CFR part 10.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington,

DC 20405, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov.*

RIN: 9000–AM82

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

435. Federal Acquisition Regulation (FAR); FAR Case 2009–016; Federal Contracting Programs for Minority-Owned and Other Small Businesses

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to remove certain coverage involving procurements with small disadvantaged business concerns and certain institutions of higher education that is based on authority which has expired and been found to be unconstitutional by the Court of Appeals for the Federal Circuit in Rothe Development Corporation vs. the DoD and the U.S. Department of Defense. These changes harmonize the FAR with current statutory authorities.

Completed:

Reason	Date	FR Cite
Final Rule	10/14/14	79 FR 61746
Final Rule Effective.	10/14/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM05

436. Federal Acquisition Regulation (FAR); FAR Case 2012–028; Contractor Comment Period—Past Performance Evaluations

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a final rule to revise the Federal Acquisition Regulation to implement section 853 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) and section 806 of the NDAA for FY 2012 (Pub. L. 112–81, enacted December 31, 2011, 10 U.S.C. 2302 Note). Section 853, entitled ''Inclusion of Data on Contractor Performance in Past Performance Databases for Executive Agency Source Selection Decisions,'' and section 806, entitled ''Inclusion of Data on Contractor Performance in Past Performance Databases for Source Selection Decisions,'' require revisions to the acquisition regulations on past performance evaluations so that contractors are provided ''up to 14 calendar days . . . from the date of delivery'' of past performance evaluations ''to submit comments, rebuttals, or additional information pertaining to past performance'' for inclusion in the database. In addition, paragraph (c) of both sections 853 and 806 requires that agency evaluations of contractor performance, including any information submitted by contractors, be ''included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information'' (section 853(c)) to the contractor. The Governmentwide application of the statute will ensure that the Government has current performance information about contractors to help source selection officials make better award decisions. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2014), available at: *https://www.acquisition.gov/.*

Completed:

Reason	Date	FR Cite
Final Rule	05/30/14	79 FR 31197
Final Rule Effective.	07/01/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis Glover, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AM40

437. Federal Acquisition Regulation (FAR); FAR Case 2012–014; Small Business Protests and Appeals

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation to implement the Small Business Administration's revision of the small business size and small business status protest and appeal procedures.

Completed:

Reason	Date	FR Cite
Final Rule	07/25/14	79 FR 43580
Final Rule Effective.	08/25/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM46

438. Federal Acquisition Regulation (FAR); FAR Case 2012–024; Commercial and Government Entity Code

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a final rule to amend the Federal Acquisition Regulation (FAR) to require the use of Commercial and Government Entity (CAGE) codes, including North Atlantic Treaty Organization (NATO) CAGE (NCAGE) codes for foreign entities, for awards valued at greater than the micro-purchase threshold. The CAGE code is a five-character alpha-numeric identifier used extensively within the Federal Government. The rule will also require offerors, if owned by another entity, to identify that entity.

Completed:

Reason	Date	FR Cite
Final Rule	05/30/14	79 FR 31187
Final Rule Effective.	11/01/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov.*

RIN: 9000–AM49

439. Federal Acquisition Regulation (FAR); FAR Case 2012–016; Defense Base Act

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a final rule amending the Federal Acquisition Regulation to clarify contractor and subcontractor responsibilities to obtain workers' compensation insurance or to qualify as a self-insurer, and other requirements, under the terms of the Longshore and Harbor Workers' Compensation Act (LHWCA) as extended by the Defense Base Act (DBA).

Completed:

Reason	Date	FR Cite
Final Rule	05/30/14	79 FR 31201
Final Rule Effective.	07/01/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Chambers, *Phone:* 202 501–3221, *Email: edward.chambers@gsa.gov.*

RIN: 9000–AM50

440. Federal Acquisition Regulation (FAR); FAR Case 2011–023, Irrevocable Letters of Credit

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation to remove all references to Office of Federal Procurement Policy Pamphlet No. 7, Use of Irrevocable Letters of Credit, and also provide updated sources of data required to verify the credit worthiness of a financial entity issuing or confirming an irrevocable letter of credit.

Completed:

Reason	Date	FR Cite
Final Rule	10/14/14	79 FR 61743
Final Rule Effective.	11/13/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia Davis, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AM53

441. Federal Acquisition Regulation (FAR); FAR Case 2013–010, Contracting With Women-Owned Small Businesses

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA have adopted as final, without change, an interim rule amending the Federal Acquisition Regulation to remove the dollar limitation for set-asides to economically disadvantaged women-owned small business concerns and to women-owned small business concerns eligible under the Women-Owned Small Business Program.

Completed:

Reason	Date	FR Cite
Final Rule	06/24/14	79 FR 35864
Final Rule Effective.	06/24/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM59

442. Federal Acquisition Regulation (FAR); FAR Case 2012–023, Uniform Procurement Identification

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation (FAR) to implement a uniform Procurement Instrument Identification numbering system, which will require the use of Activity Address Codes as the unique identifier for contracting offices and other offices, in order to standardize procurement transactions across the Federal Government. This proposed rule continues and strengthens efforts at standardization accomplished under a previous FAR case.

Completed:

Reason	Date	FR Cite
Final Rule	10/14/14	79 FR 61739
Final Rule Effective.	11/13/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov.*

RIN: 9000–AM60

443. Federal Acquisition Regulation (FAR); FAR Case 2013–017, Allowability of Legal Costs for Whistleblower Proceedings

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA have adopted as final, with changes, an interim rule amending the Federal Acquisition Regulation to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year 2013 that addresses the allowability of legal costs incurred by a contractor or subcontractor related to a whistleblower proceeding commenced by the submission of a complaint of reprisal by the contractor or subcontractor employee.

Completed:

Reason	Date	FR Cite
Final Rule	07/25/14	79 FR 43589
Final Rule Effective.	07/25/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Chambers, *Phone:* 202 501–3221, *Email: edward.chambers@gsa.gov.*

RIN: 9000–AM64

[FR Doc. 2014–28984 Filed 12–19–14; 8:45 am]

BILLING CODE 6820–EP–P

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Part XX

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules that the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

FOR FURTHER INFORMATION CONTACT: Willie Charley, Assistant Secretary of the Commission, (202) 418–5461, *wcharley@cftc.gov*, or Christopher J. Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, (202) 418–5964, *ckirkpatrick@cftc.gov*.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* (RFA), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

Semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda that shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1). 5 U.S.C. 602(a).

The Commission has prepared an agenda of significant rules that it presently expects may be considered during the course of the next year. These rules may have some impact on small entities.[1] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d) provides: ''Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.''

The Commission's Fall 2014 regulatory flexibility agenda is set forth below.

Issued in Washington, DC, on October 21, 2014, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[1] The Commission published its definition of a ''small entity'' for purposes of rulemaking proceedings at 47 FR 18618 (April 30, 1982). Pursuant to that definition, the Commission is not required to—but nonetheless does—list many of the agenda items contained in this regulatory flexibility agenda. *See also* 5 U.S.C. 602(a)(1). Moreover, for certain items listed in this agenda, the Commission has previously certified, under section 605 of the RFA, 5 U.S.C. 605, that those items will not have a significant economic impact on a substantial number of small entities. For these reasons, the listing of a rule in this regulatory flexibility agenda should not be taken as a determination that the rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. Rather, the Commission has chosen to publish an agenda that includes significant rules, regardless of their potential impact on small entities, to provide the public with broader notice of new or revised regulations the Commission may consider and to enhance the public's opportunity to participate in the rulemaking process.

COMMODITY FUTURES TRADING COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
444	Exclusion of Utility Operations—Related Swaps With Utility Special Entities From De Minimis Threshold for Swaps With Special Entities.	3038–AE19

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Completed Actions

444. Exclusion of Utility Operations—Related Swaps With Utility Special Entities From de Minimis Threshold for Swaps With Special Entities

Legal Authority: 7 U.S.C. 1a *et seq.*

Abstract: The Commodity Futures Trading Commission amended its regulations to permit a person to exclude utility operations-related swaps with utility special entities in calculating the aggregate gross national amount of the person's swap positions solely for purposes of the de minimis exception applicable to swaps with special entities.

Timetable:

Action	Date	FR Cite
NPRM	06/02/14	79 FR 31238
NPRM Comment Period End.	07/02/14	
Final Action	09/26/14	79 FR 57767

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erik Remmler, Deputy Director, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street NW., Washington, DC 20581, *Phone*: 202 418–7630, *Email: eremmler@cftc.gov.*

Israel Goodman, Special Counsel, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street NW., Washington, DC 20581, *Phone*: 202 418–6715, *Email: igoodman@cftc.gov.*

RIN: 3038–AE19

[FR Doc. 2014–28985 Filed 12–19–14; 8:45 am]

BILLING CODE 6351–01–P

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Part XXI

Bureau of Consumer Financial Protection

Semiannual Regulatory Agenda

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR CH. X

Semiannual Regulatory Agenda

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Bureau of Consumer Financial Protection (CFPB or Bureau) is publishing this agenda as part of the Fall 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions. The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from November 1, 2014, to October 31, 2015. The next agenda will be published in spring 2015 and will update this agenda through spring 2016. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of September 23, 2014.

ADDRESS: Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein.

SUPPLEMENTARY INFORMATION: The CFPB is publishing its fall 2014 agenda as part of the Fall 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The CFPB's participation in the Unified Agenda is voluntary. The complete Unified Agenda will be available to the public at the following Web site: *http://www.reginfo.gov.*

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (Dodd-Frank Act), the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. These authorities include the ability to issue regulations under more than a dozen Federal consumer financial laws, which transferred to the CFPB from seven Federal agencies on July 21, 2011. The CFPB is working on a wide range of initiatives to address issues in markets for consumer financial products and services that are not reflected in this notice because the Unified Agenda is limited to rulemaking activities.

The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from November 1, 2014, to October 31, 2015.[1] Among the Bureau's more significant regulatory efforts are the following.

Implementing Dodd-Frank Act Mortgage Protections

A major rulemaking priority for the Bureau continues to be the implementation of provisions of the Dodd-Frank Act addressing practices and information concerning the nation's mortgage markets. The Bureau has already issued regulations implementing Dodd-Frank Act protections for mortgage originations and servicing, and integrating various Federal mortgage disclosures, as discussed further below. The Bureau is also working to implement Dodd-Frank amendments to the Home Mortgage Disclosure Act (HMDA), which augment existing data reporting requirements regarding housing-related loans and applications for such loans. In addition to obtaining data that is critical to the purposes of HMDA—which include providing the public and public officials with information that can be used to help determine whether financial institutions are serving the housing needs of their communities, assisting public officials in the distribution of public sector investments, and assisting in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes—the Bureau views this rulemaking as an opportunity to streamline and modernize HMDA data collection and reporting in furtherance of its mission under the Dodd-Frank Act to reduce unwarranted regulatory burden. The Bureau published a proposed HMDA rule in the **Federal Register** on August 29, 2014, to add several new reporting requirements and to clarify several existing requirements. Publication of the proposal followed initial outreach efforts and the convening of a panel under the Small Business Regulatory Enforcement Fairness Act in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy to consult with small lenders who may be affected by the rulemaking. As the Bureau develops a final rule, it expects to review and consider public comments on the proposed rule, consult with other agencies and coordinate with them on implementation efforts, conduct additional outreach to build and refine operational capacity, and prepare to assist financial institutions in their compliance efforts.

The Bureau is also working to support implementation of its final rule combining several Federal mortgage disclosures that consumers receive in connection with applying for and closing on a mortgage loan under the Truth in Lending Act (TILA) and the Real Estate Settlement Procedures Act (RESPA). The project to integrate and streamline the disclosures was mandated under the Dodd-Frank Act, and is intended to increase consumer understanding of mortgage transactions and facilitate compliance by industry. The integrated forms are the cornerstone of the Bureau's broader ''Know Before You Owe'' initiative. The rule was issued in November 2013, and takes effect in August 2015. The Bureau is working intensively to support implementation efforts and prepare consumer education materials and initiatives to help consumers understand and use the new forms. In addition, in late 2014, the Bureau plans to issue a small proposed rule to make technical corrections, allow for certain language related to new construction loans to be added to the Loan Estimate form, and modify the same-day redisclosure requirement for floating interest rates that are locked after the Loan Estimate is first provided.

The Bureau is also working to support the full implementation of, and facilitate compliance with, various mortgage-related final rules issued by the Bureau in January 2013, to strengthen consumer protections involving the origination and servicing of mortgages. These rules, implementing requirements under the Dodd-Frank Act, were all effective by January 2014. The Bureau is working diligently to monitor the market and plans to make clarifications and adjustments to the rules where warranted. The Bureau is planning to issue rules in fall 2014, to provide certain adjustments to its rules for certain nonprofit entities and to provide a cure mechanism for lenders seeking to make ''qualified mortgages'' under rules requiring assessment of consumers' ability to repay their mortgage loans where the mortgages exceed certain limitations on points and fees. The Bureau also anticipates issuing a proposal in fall 2014, to amend various provisions of its mortgage servicing rules, in both Regulation X and Regulation Z, including further clarification of the applicability of certain provisions when the borrower is in bankruptcy, possible additional enhancements to loss mitigation requirements, and other topics. In

[1] The listing does not include certain routine, frequent, or administrative matters. Further, certain of the information fields for the listing are not applicable to independent regulatory agencies, including the CFPB, and, accordingly, the CFPB has indicated responses of ''no'' for such fields.

addition, in order to promote access to credit, the Bureau is also currently engaged in further research to assess the impact of certain provisions implemented under the Dodd-Frank Act that modify general requirements for small creditors that operate predominantly in ''rural or underserved'' areas, and expects to release a notice of proposed rulemaking in early 2015.

Bureau Regulatory Efforts in Other Consumer Markets

The Bureau continues to work on and consider a number of rulemakings to address important consumer protection issues in other markets for consumer financial products and services.

First, in fall 2014, the Bureau anticipates issuing a proposed rule to create a comprehensive set of protections for General Purpose Reloadable (GPR) cards and other prepaid products, such as payroll cards and student loan disbursement cards, which are increasingly being used by consumers in place of a traditional deposit account or credit card. The proposal will build on comments received by the Bureau in response to a 2012 Advance Notice of Proposed Rulemaking seeking comment, data, and information from the public about GPR cards. The proposed rule will seek to expand coverage in Regulation E (implementing the Electronic Fund Transfer Act) to prepaid accounts, including GPR cards, by extending and in some cases modifying disclosure, periodic statement, and error resolution requirements that apply to consumer asset accounts that are currently subject to Regulation E. The Bureau also expects the proposal to address treatment of overdraft services and credit features in connection with prepaid accounts under both Regulation Z (Truth in Lending Act) and Regulation E.

Building on Bureau research and other sources, the Bureau is also considering what rules may be appropriate for addressing the sustained use of short-term, high-cost credit products such as payday loans and deposit advance products. The Bureau issued a white paper on these products in April 2013 and a data point providing additional research in March 2014, and is continuing to analyze other consumer protection concerns associated with the use of high-cost, small-dollar credit products. Rulemaking might include disclosures or address acts or practices in connection with these products.

The Bureau is also continuing to develop research on other critical consumer protection markets to help assess whether regulation may be warranted. For example, the Bureau issued research on bank and credit union overdraft programs in 2013 and 2014 and is planning to release the results of further studies on overdraft programs and their effects on consumers.

In addition, the Bureau has launched research initiatives to build on its November 2013, Advance Notice of Proposed Rulemaking on debt collection. These efforts include undertaking a survey to obtain information from consumers about their experiences with debt collection and launching consumer testing initiatives to determine what information would be useful for consumers to have about debt collection and their debts and how that information should be provided to them.

The Bureau is also continuing rulemaking activities that will further establish the Bureau's nonbank supervisory authority by defining larger participants of certain markets for consumer financial products and services. Larger participants of such markets, as the Bureau defines by rule, are subject to the Bureau's supervisory authority. In fall 2014, the Bureau issued a final rule that amended the regulation defining larger participants of certain consumer financial products and services markets by adding a new section to define larger participants of a market for international money transfers, and began a rulemaking that would define larger participants of a market for automobile financing and define certain automobile leasing activity as a financial product or service.

Bureau Regulatory Streamlining Efforts

The Bureau is continuing work to consider opportunities to modernize and streamline regulations that it inherited from other agencies pursuant to a transfer of rulemaking authority under the Dodd-Frank Act. This work includes implementing the consolidation and streamlining of Federal mortgage disclosure forms discussed earlier, and exploring opportunities to reduce unwarranted regulatory burden as part of the HMDA rulemaking. The Bureau also issued rules in fall 2014, to allow financial institutions that restrict their information sharing practices and meet other requirements to post their annual privacy notices to customers under the Gramm-Leach-Bliley Act online rather than delivering them individually. The rulemaking addresses longstanding concerns that the annual mailings are a source of unwarranted regulatory burden and unwanted paperwork for consumers.

Finally, the Bureau is continuing to assess timelines for other rulemakings mandated by the Dodd-Frank Act or inherited from other agencies and to conduct outreach and research to assess issues in various other markets for consumer financial products and services. As this work continues, the Bureau will evaluate possible policy responses, including possible rulemaking actions, taking into account the critical need for and effectiveness of various policy tools. For example, as directed by Congress, the Bureau is conducting a study on the use of arbitration agreements provided for consumer disputes in connection with the offering or providing of consumer financial products or services. Upon the completion of this study, the Bureau will evaluate possible policy responses, including possible rulemaking actions, the findings of which shall be consistent with the study. The Bureau will update its regulatory agenda in spring 2015, to reflect the results of this further prioritization and planning.

Dated: September 23, 2014.

Meredith Fuchs,

General Counsel, Bureau of Consumer Financial Protection.

CONSUMER FINANCIAL PROTECTION BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
445	Home Mortgage Disclosure Act (Regulation C)	3170–AA10
446	The Expedited Funds Availability Act (Regulation CC)	3170–AA31

CONSUMER FINANCIAL PROTECTION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
447	Business Lending Data (Regulation B)	3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Final Rule Stage

445. Home Mortgage Disclosure Act (Regulation C)

Legal Authority: 12 U.S.C. 2801 to 2810

Abstract: Section 1094 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended the Home Mortgage Disclosure Act (HMDA), which requires certain financial institutions to collect and report information in connection with housing-related loans and applications they receive for such loans. The amendments made by the Dodd-Frank Act, among other things, expand the scope of information relating to mortgage applications and loans that must be compiled, maintained, and reported under HMDA, including the ages of loan applicants and mortgagors, information relating to the points and fees payable at origination, the difference between the annual percentage rate associated with the loan and benchmark rates for all loans, the term of any prepayment penalty, the value of the property to be pledged as collateral, the term of the loan and of any introductory interest rate for the loan, the presence of contract terms allowing non-amortizing payments, the application channel, and the credit scores of applicants and mortgagors. The Dodd-Frank Act also provides authority for the CFPB to require other information, including identifiers for loans, parcels, and loan originators. The CFPB released a proposal in July 2014, published in the **Federal Register** on August 29, 2014 that would add data points in accordance with the Dodd-Frank Act amendments and align, to the extent practicable, the regulatory requirements with existing industry standards for collecting data on mortgage loans and applications. The proposal also included other revisions to its regulations to effectuate the purposes of HMDA, including changes to institutional and transactional coverage, modifications of reporting requirements, and clarifications of other existing regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	08/29/14	79 FR 51731
NPRM Comment Period End.	10/29/14	
Final Rule	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joan Kayagil, Office of Regulations, Consumer Financial Protection Bureau, *Phone*: 202 435–7700.

RIN: 3170–AA10

446. The Expedited Funds Availability Act (Regulation CC)

Legal Authority: 12 U.S.C. 4001 *et seq.*

Abstract: The Expedited Funds Availability Act (EFA Act), implemented by Regulation CC, governs availability of funds after a check deposit and check collection and return processes. Section 1086 of the Dodd-Frank Wall Street Reform and Consumer Protection Act amended the EFA Act to provide the CFPB with joint rulemaking authority with the Board of Governors of the Federal Reserve System (Board) over certain consumer-related EFA Act provisions. The Board proposed amendments to Regulation CC in March 2011, to facilitate the banking industry's ongoing transition to fully-electronic interbank check collection and return. The Board's proposal includes some provisions that are subject to the CFPB's joint rulemaking authority, including the period for funds availability and revising model form disclosures. In addition, in December 2013, the Board proposed revised amendments to certain Regulation CC provisions that are not subject to the CFPB's authority and stated in the proposal that the comment period has been extended to May 2, 2014. The CFPB will work with the Board to issue jointly a final rule that includes provisions within the CFPB's authority.

Timetable:

Action	Date	FR Cite
NPRM	03/25/11	76 FR 16862
NPRM Comment Period End.	06/03/11	
Final Rule	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph Baressi, Office of Regulations, Consumer Financial Protection Bureau, *Phone*: 202 435–7700.

RIN: 3170–AA31

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Long-Term Actions

447. Business Lending Data (Regulation B)

Legal Authority: 15 U.S.C. 1691c–2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to report information concerning credit applications made by women- or minority-owned businesses and small businesses. The amendments made by the Dodd-Frank Act require that certain data be collected and maintained under ECOA, including the number of the application and date the application was received; the type and purpose of loan or credit applied for; the amount of credit applied for and approved; the type of action taken with regard to each application and the date of such action; the census tract of the principal place of business; the gross annual revenue; and the race, sex, and ethnicity of the principal owners of the business. The CFPB expects to begin developing proposed regulations concerning the data to be collected and appropriate procedures, information safeguards, and privacy protections for information-gathering under this section.

Timetable:

Action	Date	FR Cite
CFPB Expects Further Action To Be Determined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Honig, Office of Regulations, Consumer Financial Protection Bureau, *Phone*: 202 435–7700.

RIN: 3170–AA09

[FR Doc. 2014–28987 Filed 12–19–14; 8:45 am]

BILLING CODE 4810–AM–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part XXII

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Fall 2014

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the Internet in a searchable format at *www.reginfo.gov*.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Specialist, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, (202) 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (*e.g.,* Docket No. 96–1 or Docket No. 99–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MB Docket No. 96–222,'' which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (*e.g.,* Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
448	Implementation of the Telecom Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities (WT Docket No. 96–198).	3060–AG58
449	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
450	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
451	Consumer Information and Disclosure and Truth in Billing and Billing Format	3060–AI61
452	Closed-Captioning of Video Programming (Section 610 Review)	3060–AI72
453	Accessibility of Programming Providing Emergency Information	3060–AI75
454	Empowering Consumers to Avoid Bill Shock (Docket No. 10–207)	3060–AJ51
455	Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)	3060–AJ63
456	Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming'')	3060–AJ72
457	Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry.	3060–AJ84
458	Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213).	3060–AK00
459	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services.	3060–AK01

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
460	New Advanced Wireless Services (ET Docket No. 00–258)	3060–AH65
461	Exposure to Radiofrequency Electromagnetic Fields	3060–AI17

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
462	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
463	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46
464	Innovation in the Broadcast Television Bands (ET Docket No. 10–235)	3060–AJ57
465	Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236).	3060–AJ62
466	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)	3060–AJ68
467	WRC–07 Implementation (ET Docket No. 12–338)	3060–AJ93
468	Federal Earth Stations-Non Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115.	3060–AK09
469	Authorization of Radiofrequency Equipment; ET Docket No. 13–44	3060–AK10

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
470	Space Station Licensing Reform (IB Docket No. 02–34)	3060–AH98
471	Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112).	3060–AI42
472	International Settlements Policy Reform (IB Docket No. 11–80)	3060–AJ77
473	Revisions to Parts 2 and 25 of the Commission's Rules to Govern the Use of Earth Stations Aboard Aircraft (IB Docket No. 12–376).	3060–AJ96
474	Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market (IB Docket 12–299).	3060–AJ97
475	Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)	3060–AJ98
476	Expanding Broadband and Innovation through Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHz Band; GN Docket No. 13–114.	3060–AK02
477	Terrestrial Use of the 2473–2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213.	3060–AK16

INTERNATIONAL BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
478	Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended (IB Docket No. 11–133).	3060–AJ70

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
479	Competitive Availability of Navigation Devices (CS Docket No. 97–80)	3060–AG28
480	Broadcast Ownership Rules	3060–AH97
481	Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AI38
482	Joint Sales Agreements in Local Television Markets (MB Docket No. 04–256)	3060–AI55
483	Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)	3060–AJ27
484	Amendment of the Commission's Rules Related to Retransmission Consent (MB Docket No. 10–71)	3060–AJ55
485	Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No.11–43).	3060–AJ56
486	Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154).	3060–AJ67
487	Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)	3060–AK11
488	Network Non-Duplication and Syndicated Exclusivity Rule (MB Docket No. 14–29)	3060–AK18

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
489	Assessment and Collection of Regulatory Fees	3060–AI79
490	Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System; MD Docket No. 10–234.	3060–AJ54

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
491	Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems	3060–AG34
492	Enhanced 911 Services for Wireline	3060–AG60
493	In the Matter of the Communications Assistance for Law Enforcement Act	3060–AG74
494	Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)	3060–AH90
495	E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36).	3060–AI62
496	Commercial Mobile Alert System	3060–AJ03
497	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52
498	Private Land Radio Services/Miscellaneous Wireless Communications Services	3060–AJ99
499	Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands.	3060–AK19

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
500	Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements.	3060–AG85

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
501	Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers	3060–AH83
502	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35
503	Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211).	3060–AI88
504	Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands.	3060–AJ12
505	Amendment of the Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04–344)	3060–AJ16
506	Service Rules for Advanced Wireless Services in the 2155–2175 MHz Band; WT Docket No. 13–185	3060–AJ19
507	Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band (WT Docket No. 08–166) Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary.	3060–AJ21
508	Amendment of the Commission's Rules to Improve Public Safety Communications in the 800 MHz Band, and to Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels.	3060–AJ22
509	Amendment of Part 101 to Accommodate 30 MHz Channels in the 6525–6875 MHz Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHz Band (WT Docket No. 04–114).	3060–AJ28
510	In the Matter of Service Rules for the 698 to 746, 747 to 762, and 777 to 792 MHz Bands	3060–AJ35
511	National Environmental Act Compliance for Proposed Tower Registrations; In the Matter of Effects on Migratory Birds.	3060–AJ36
512	Amendment of Part 90 of the Commission's Rules	3060–AJ37
513	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
514	2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures.	3060–AJ50
515	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58
516	Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz.	3060–AJ59
517	Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110).	3060–AJ71
518	Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands	3060–AJ73
519	Promoting Interoperability in the 700 MHz Commercial Spectrum; Requests for Waiver and Extension of Lower 700 MHz Band Interim Construction Benchmark Deadlines (WT Docket Nos. 12–69 & 12–332).	3060–AJ78
520	Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357).	3060–AJ86
521	Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
522	Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42).	3060–AJ88
523	Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177).	3060–AJ91
524	Radiolocation Operations in the 78–81 GHz Band; WT Docket No. 11–202	3060–AK04
525	Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology; WT Docket No. 11–6.	3060–AK05
526	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities	3060–AK06

WIRELESS TELECOMMUNICATIONS BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
527	Service Rules for Advanced Wireless Services in the 1915 to 1920 MHz, 1995 to 2000 MHz, 2020 to 2025 MHz, and 2175 to 2180 MHz Bands.	3060–AJ20

WIRELINE COMPETITION BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
528	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)	3060–AK20

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
529	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AF85
530	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements	3060–AH72
531	Access Charge Reform and Universal Service Reform	3060–AH74
532	National Exchange Carrier Association Petition	3060–AI47
533	IP-Enabled Services; WC Docket No. 04–36	3060–AI48
534	Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07–135)	3060–AJ02
535	Jurisdictional Separations	3060–AJ06
536	Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21).	3060–AJ14
537	Form 477; Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
538	Preserving the Open Internet; Broadband Industry Practices	3060–AJ30
539	Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)	3060–AJ32
540	Electronic Tariff Filing System (WC Docket No. 10–141)	3060–AJ41
541	Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51).	3060–AJ64
542	Rural Call Completion; WC Docket No. 13–39	3060–AJ89
543	Rates for Inmate Calling Services; WC Docket No. 12–375	3060–AK08
544	Protecting and Promoting the Open Internet; (WC Docket No. 14–28)	3060–AK21

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

448. Implementation of the Telecom Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities (WT Docket No. 96–198)

Legal Authority: 47 U.S.C. 255; 47 U.S.C. 251(a)(2)

Abstract: These proceedings implement the provisions of sections 255 and 251(a)(2) of the Communications Act and related sections of the Telecommunications Act of 1996 regarding the accessibility of telecommunications equipment and services to persons with disabilities.

Timetable:

Action	Date	FR Cite
R&O	08/14/96	61 FR 42181
NOI	09/26/96	61 FR 50465
NPRM	05/22/98	63 FR 28456
R&O	11/19/99	64 FR 63235
Further NOI	11/19/99	64 FR 63277
Public Notice	01/07/02	67 FR 678
R&O	08/06/07	72 FR 43546
Petition for Waiver	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Final Rule	04/21/08	73 FR 21251
Public Notice	08/01/08	73 FR 45008
Extension of Waiver.	05/15/08	73 FR 28057
Extension of Waiver.	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
Extension of Waiver.	07/29/09	74 FR 37624
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
FNPRM	12/30/11	76 FR 82240
Comment Period End.	03/14/12	
R&O	12/30/11	76 FR 82354
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cheryl J. King, Deputy Chief, Disability Rights Office, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2284, *TDD Phone:* 202 418–0416, *Fax:* 202 418–0037, *Email: cheryl.king@fcc.gov*.

RIN: 3060–AG58

449. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

Legal Authority: 47 U.S.C. 227

Abstract: On July 3, 2003, the Commission released a Report and Order establishing, along with the FTC, a national do-not-call registry. The Commission's Report and Order also adopted rules on the use of predictive dialers, the transmission of caller ID

information by telemarketers, and the sending of unsolicited fax advertisements. On September 21, 2004, the Commission released an Order amending existing safe harbor rules for telemarketers subject to the do-not-call registry to require such telemarketers to access the do-not-call list every 31 days, rather than every 3 months. On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration amending its facsimile advertising rules to implement the Junk Fax Protection Act of 2005. On October 14, 2008, the Commission released an Order on Reconsideration addressing certain issues raised in petitions for reconsideration and/or clarification of the Report and Order and Third Order on Reconsideration. On January 4, 2008, the Commission released a Declaratory Ruling, clarifying that autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the ''prior express consent'' of the called party. Following a December 4, 2007, NPRM, on June 17, 2008, the Commission released a Report and Order amending its rules to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry indefinitely, unless the registration is cancelled by the consumer or the number is removed by the database administrator. Following a January 22, 2010, NPRM, the Commission released a Report and Order (on February 15, 2012) requiring telemarketers to obtain prior express written consent, including by electronic means, before making an autodialed or prerecorded telemarketing call to a wireless number or before making a prerecorded telemarketing call to a residential line; eliminating the ''established business relationship'' exemption to the consent requirement for prerecorded telemarketing calls to residential lines; requiring telemarketers to provide an automated, interactive ''opt-out'' mechanism during autodialed or prerecorded telemarketing calls to wireless numbers and during prerecorded telemarketing calls to residential lines; and requiring that the abandoned call rate for telemarketing calls be calculated on a ''per-campaign'' basis. On November 29, 2012, the Commission released a Declaratory Ruling clarifying that sending a one-time text message confirming a consumer's request that no further text messages be sent does not violate the Telephone Consumer Protection Act (TCPA) or the Commission's rules as long as the confirmation text only confirms receipt of the consumer's opt-out request, and does not contain marketing, solicitations, or an attempt to convince the consumer to reconsider his or her opt-out decision. The ruling applies only when the sender of the text messages has obtained prior express consent, as required by the TCPA and Commission rules, from the consumer to be sent text messages using an automatic telephone dialing system. On May 9, 2013, the Commission released a declaratory ruling clarifying that while a seller does not generally ''initiate'' calls made through a third-party telemarketer, within the meaning of the Telephone Consumer Protection Act (TCPA), it nonetheless may be held vicariously liable under Federal common law principles of agency for violations of either section 227(b) or section 227(c) that are committed by third-party telemarketers.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Recon	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Recon	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Recon	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Recon Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (Release Date).	11/29/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kurt Schroeder, Chief, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0966, *Email: kurt.schroeder@fcc.gov.*

RIN: 3060–AI14

450. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding established a new docket flowing from the previous telecommunications relay service (TRS) history, CC Docket No. 98–67. This proceeding continues the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Recon.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Recon	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Recon.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Recon.	07/06/06	71 FR 38268
Order on Recon	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060

Action	Date	FR Cite
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Recon.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
NPRM	05/02/11	76 FR 24442
Order	07/25/11	76 FR 44326
Final Rule (Order)	09/27/11	76 FR 59551
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124
Proposed Rule (Public Notice).	02/28/12	77 FR 11997
Proposed Rule (FNPRM).	02/01/12	77 FR 4948
First R&O	07/25/12	77 FR 43538
Public Notice	10/29/12	77 FR 65526
Order on Reconsideration.	12/26/12	77 FR 75894
Order	02/05/13	78 FR 8030
Order (Interim Rule).	02/05/13	78 FR 8032
NPRM	02/05/13	78 FR 8090
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/13/13	
FNPRM	07/05/13	78 FR 40407
FNPRM Comment Period End.	09/18/13	
R&O	07/05/13	78 FR 40582
R&O	08/15/13	78 FR 49693
FNPRM	08/15/13	78 FR 49717
FNPRM Comment Period End.	09/30/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78 FR 54201
NPRM	10/23/13	78FR 63152
FNPRM Comment Period End.	11/18/13	
Petiton for Recon; Request for Comment.	12/16/13	78 FR 76096
Petition for Recon Request for Comment.	12/16/13	78 FR 76097
Request for Clarification; Request for Comment; Correction.	12/30/13	78 FR 79362
Petition for Recon Comment Period End.	01/10/14	
NPRM Comment Period End.	01/21/14	
Announcement of Effective Date.	08/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Public Notice	09/15/14	79 FR 54979
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karen Peltz Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2388, *Email: karen.strauss@fcc.gov*.

RIN: 3060–AI15

451. Consumer Information and Disclosure and Truth in Billing and Billing Format

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 258

Abstract: In 1999, the Commission adopted truth-in-billing rules to address concerns that there is consumer confusion relating to billing for telecommunications services. On March 18, 2005, the Commission released an Order and Further Notice of Proposed Rulemaking (FNPRM) to further facilitate the ability of telephone consumers to make informed choices among competitive service offerings.

On August 28, 2009, the Commission released a Notice of Inquiry that asks questions about information available to consumers at all stages of the purchasing process for all communications services, including: (1) Choosing a provider; (2) choosing a service plan; (3) managing use of the service plan; and (4) deciding whether and when to switch an existing provider or plan.

On October 14, 2010, the Commission released a Notice of Proposed Rulemaking (NPRM) proposing rules that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills.

On July 12, 2011, the Commission released an NPRM proposing rules that would assist consumers in detecting and preventing the placement of unauthorized charges on their telephone bills, an unlawful and fraudulent practice, commonly referred to as ''cramming.''

On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released an FNPRM seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
FNPRM	05/25/05	70 FR 30044
R&O	05/25/05	70 FR 29979
NOI	08/28/09	
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM	11/26/10	75 FR 72773
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Reply Comment Period Extended).	11/30/11	76 FR 74017
Reply Comment Period End.	12/05/11	
R&O	05/24/12	77 FR 30915
FNPRM	05/24/12	77 FR 30972
FNPRM Comment Period End.	07/09/12	
Order (Comment Period Extended).	07/17/12	77 FR 41955
Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71353
Correction of Final Rule.	11/30/12	77 FR 71354
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John B Adams, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2854, *Email: johnb.adams@fcc.gov*.

RIN: 3060–AI61

452. Closed-Captioning of Video Programming (Section 610 Review)

Legal Authority: 47 U.S.C. 613

Abstract: The Commission's closed-captioning rules are designed to make video programming more accessible to deaf and hard-of-hearing Americans. This proceeding resolves some issues

regarding the Commission's closed-captioning rules that were raised for comment in 2005, and also seeks comment on how a certain exemption from the closed-captioning rules should be applied to digital multicast broadcast channels.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Order on Recon	10/20/98	63 FR 55959
NPRM	09/26/05	70 FR 56150
Order and Declaratory Ruling.	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Final Rule Correction.	09/11/09	74 FR 46703
Final Rule Announcement of Effective Date.	02/19/10	75 FR 7370
Order	02/19/10	75 FR 7368
Order Suspending Effective Date.	02/19/10	75 FR 7369
Waiver Order	10/04/10	75 FR 61101
Public Notice	11/17/10	75 FR 70168
Interim Final Rule (Order).	11/01/11	76 FR 67376
Final Rule (MO&O).	11/01/11	76 FR 67377
NPRM	11/01/11	76 FR 67397
NPRM Comment Period End.	12/16/11	
Public Notice	05/04/12	77 FR 26550
Public Notice	12/15/12	77 FR 72348
FNPRM	03/27/14	79 FR 17094
FNPRM Comment Period End.	08/25/14	
R&O	03/31/14	79 FR 17911
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AI72

453. Accessibility of Programming Providing Emergency Information

Legal Authority: 47 U.S.C. 613

Abstract: In this proceeding, the Commission adopted rules detailing how video programming distributors must make emergency information accessible to persons with hearing and visual disabilities.

Timetable:

Action	Date	FR Cite
FNPRM	01/21/98	63 FR 3070
NPRM	12/01/99	64 FR 67236
NPRM Correction	12/22/99	64 FR 71712
Second R&O	05/09/00	65 FR 26757
R&O	09/11/00	65 FR 54805
Final Rule; Correction.	09/20/00	65 FR 5680
NPRM	11/28/12	77 FR 70970
NPRM Comment Period Extended.	12/20/12	77 FR 75404
NPRM Comment Period Extension End.	01/07/13	
R&O	05/24/13	78 FR 31770
FNPRM	05/24/13	78 FR 31800
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
NPRM	06/18/13	78 FR 36478
NPRM Comment Period End.	08/07/13	
R&O	12/20/13	78 FR 77210
Petition for Recon	01/31/14	79 FR 5364
Comment Period End.	02/25/14	
Correcting Amendments.	02/10/14	79 FR 7590
Announcement of Effective Date.	04/16/14	79 FR 21399
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AI75

454. Empowering Consumers To Avoid Bill Shock (Docket No. 10–207)

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On October 14, 2010, the Commission released a Notice of Proposed Rulemaking which proposes a rule that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills.

Timetable:

Action	Date	FR Cite
Public Notice	05/20/10	75 FR 28249
NPRM	11/26/10	75 FR 72773
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Divison, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov*.

RIN: 3060–AJ51

455. Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225; 47 U.S.C. 616

Abstract: The Commission prescribes by regulation the obligations of each provider of interconnected and non-interconnected Voice over Internet Protocol (VoIP) service to participate in and contribute to the Interstate Telecommunications Relay Services Fund in a manner that is consistent with and comparable to such fund.

Timetable:

Action	Date	FR Cite
NPRM	04/04/11	76 FR 18490
NPRM Comment Period End.	05/04/11	
Final Rule	10/25/11	76 FR 65965
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov*.

RIN: 3060–AJ63

456. Empowering Consumers To Prevent and Detect Billing for Unauthorized Charges (''Cramming'')

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On July 12, 2011, the Commission released a Notice of Proposed Rulemaking proposing rules that would assist consumers in detecting and preventing the placement of unauthorized charges on telephone bills, an unlawful and fraudulent practice commonly referred to as ''cramming.'' On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released a Further Notice of Proposed Rulemaking seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Extends Reply Comment Period).	11/30/11	76 FR 74017
NPRM Comment Period End.	12/05/11	
FNPRM	05/24/12	77 FR 30972
R&O	05/24/12	77 FR 30915

Action	Date	FR Cite
FNPRM Comment Period End.	07/09/12	
Order (Extends Reply Comment Period).	07/17/12	77 FR 41955
FNPRM Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71354
Correction of Final Rule.	11/30/12	77 FR 71353
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John B Adams, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2854, *Email: johnb.adams@fcc.gov.*

RIN: 3060–AJ72

457. Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry

Legal Authority: Pub. L. 112–96 sec 6507

Abstract: The Commission issued, on May 22, 2012, an NPRM to initiate a proceeding to create a Do-Not-Call registry for public safety answer points (PSAPs), as required by section 6507 of the Middle Class Tax Relief and Job Creation Act of 2012. The statute requires the Commission to establish a registry that allows PSAPs to register their telephone numbers on a do-not-call list; prohibit the use of automatic dialing equipment to contact registered numbers; and implement a range of monetary penalties for disclosure of registered numbers and for use of automatic dialing equipment to contact such numbers. On October 17, 2012, the Commission adopted final rules implementing the statutory requirements described above.

Timetable:

Action	Date	FR Cite
NPRM	06/21/12	77 FR 37362
R&O	10/29/12	77 FR 71131
Correction Amendments.	02/13/13	78 FR 10099
Announcement of Effective Date.	03/26/13	78 FR 18246
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D Smith, Special Counsel, Consumer Policy Divison, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov.*

RIN: 3060–AJ84

458. Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 255; 47 U.S.C. 617; 47 U.S.C. 618; 47 U.S.C. 619

Abstract: These proceedings implement sections 716, 717, and 718 of the Communications Act, which were added by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), related to the accessibility of advanced communications services and equipment (section 716), recordkeeping and enforcement requirements for entities subject to sections 255, 716, and 718 (section 717); and accessibility of Internet browsers built into mobile phones (section 718).

Timetable:

Action	Date	FR Cite
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
NPRM Comment Period End.	05/13/11	
FNPRM	12/30/11	76 FR 82240
R&O	12/30/11	76 FR 82354
FNPRM Comment Period End.	03/14/12	
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov.*

RIN: 3060–AK00

459. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This FCC initiated this proceeding in its effort to ensure that IP CTS is available for eligible users only. In doing so, the FCC released an Interim Order and Notice of Proposed Rulemaking (NPRM) to address certain practices related to the provision and marketing of Internet Protocol Captioned Telephone Service (IP CTS). IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, this new Order establishes several requirements on a temporary basis from March 7, 2013 to September 3, 2013.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/30/13	78FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Recon Request for Comment.	12/16/13	78 FR 76097
Petiton for Recon Comment Period End.	01/10/14	
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Greg Hlibok, Chief, Disability Rights Office, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 559–5158, *TDD Phone:* 202 418–0413, *Email: gregory.hlibok@fcc.gov.*

RIN: 3060–AK01

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

460. New Advanced Wireless Services (ET Docket No. 00–258)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303(c); 47

U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: This proceeding explores the possible uses of frequency bands below 3 GHz to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks. The Third Notice of Proposed Rulemaking discusses the frequency bands that are still under consideration in this proceeding and invites additional comments on their disposition. Specifically, it addresses the Unlicensed Personal Communications Service (UPCS) band at 1910–1930 MHz, the Multipoint Distribution Service (MDS) spectrum at 2155–2160/62 MHz bands, the Emerging Technology spectrum, at 2160–2165 MHz, and the bands reallocated from MSS 91990–2000 MHz, 2020–2025 MHz, and 2165–2180 MHz. We seek comment on these bands with respect to using them for paired or unpaired Advance Wireless Service (AWS) operations or as relocation spectrum for existing services. The seventh Report and Order facilitates the introduction of Advanced Wireless Service (AWS) in the band 1710–1755 MHz—an integral part of a 90 MHz spectrum allocation recently reallocated to allow for such new and innovative wireless services. We largely adopt the proposals set forth in our recent AWS Fourth NPRM in this proceeding that are designed to clear the 1710–1755 MHz band of incumbent Federal Government operations that would otherwise impede the development of new nationwide AWS services. These actions are consistent with previous actions in this proceeding and with the United States Department of Commerce, National Telecommunications and Information Administration (NTIA) 2002 Viability Assessment, which addressed relocation and re-accommodation options for Federal Government operations in the band. The eighth Report and Order reallocated the 2155–2160 MHz band for fixed and mobile services and designates the 2155–2175 MHz band for Advanced Wireless Service (AWS) use. This proceeding continues the Commission's ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services. The Order requires Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band to provide information on the construction status and operational parameters of each incumbent BRS system that would be the subject of relocation. The Notice of Proposed Rule Making requested comments on the specific relocation procedures applicable to Broadband Radio Service (BRS) operations in the 2150–2160/62 MHz band, which the Commission recently decided will be relocated to the newly restructured 2495–2690 MHz band. The Commission also requested comments on the specific relocation procedures applicable to Fixed Microwave Service (FS) operations in the 2160–2175 MHz band. The Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB) set forth the specific data that Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band must file along with the deadline date and procedures for filing this data on the Commission's Universal Licensing System (ULS). The data will assist in determining future AWS licensees' relocation obligations. The ninth Report and Order established procedures for the relocation of Broadband Radio Service (BRS) operations from the 2150–2160/62 MHz band, as well as for the relocation of Fixed Microwave Service (FS) operations from the 2160–2175 MHz band, and modified existing relocation procedures for the 2110–2150 MHz and 2175–2180 MHz bands. It also established cost-sharing rules to identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of incumbent FS operations in the 2110–2150 MHz and 2160–2200 MHz bands and AWS entrants benefiting from the relocation of BRS incumbents in the 2150–2160/62 MHz band. The Commission continues its ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including AWS. The Order dismisses a petition for reconsideration filed by the Wireless Communications Association International, Inc. (WCA) as moot. Two petitions for Reconsideration were filed in response to the ninth Report and Order. The Report and Orders and Declaratory Ruling concludes the Commission's longstanding efforts to relocate the Broadcast Auxiliary Service (BAS) from the 1990–2110 MHz band to the 2025–2110 MHz band, freeing up 35 megahertz of spectrum in order to foster the development of new and innovative services. This decision addresses the outstanding matter of Sprint Nextel Corporation's (Sprint Nextel) inability to agree with Mobile Satellite Service (MSS) operators in the band on the sharing of the costs to relocate the BAS incumbents. To resolve this controversy, the Commission applied its time-honored relocation principles for emerging technologies previously adopted for the BAS band to the instant relocation process, where delays and unanticipated developments have left ambiguities and misconceptions among the relocating parties. In the process, the Commission balances the responsibilities for and benefits of relocating incumbent BAS operations among all the new entrants in the different services that will operate in the band. The Commission proposed to modify its cost-sharing requirements for the 2 GHz BAS band because the circumstances surrounding the BAS transition are very different than what was expected when the cost-sharing requirements were adopted. The Commission believed that the best course of action was to propose new requirements that would address the ambiguity of applying the literal language of the current requirements to the changed circumstances, as well as balance the responsibilities for and benefits of relocating incumbent BAS operations among all new entrants in the band based on the Commission's relocation policies set forth in the Emerging Technologies proceeding. The Commission proposed to eliminate, as of January 1, 2009, the requirement that Broadcast Auxiliary Service (BAS) licensees in the 30 largest markets and fixed BAS links in all markets be transitioned before the Mobile Satellite Service (MSS) operators can begin offering service. The Commission also sought comments on how to mitigate interference between new MSS entrants and incumbent BAS licensees who had not completed relocation before the MSS entrants begin offering service. In addition, the Commission sought comments on allowing MSS operators to begin providing service in those markets where BAS incumbents have been transitioned. In the Further Notice of Proposed Rule Making the Commission proposed to modify its cost sharing requirements for the 2 GHz BAS band because the circumstances surrounding the BAS transition are very different than what was expected when the cost sharing requirements were adopted. The Commission believes that the best course of action is to propose new requirements that will address the ambiguity of applying the literal language of the current requirements to the changed circumstances, as well as balance the responsibilities for and benefits of relocating incumbent BAS

operations among all new entrants in the band based on the Commission's relocation policies set forth in the Emerging Technologies proceeding.

Timetable:

Action	Date	FR Cite
NPRM	01/23/01	66 FR 7438
NPRM Comment Period End.	03/09/01	
Final Report	04/11/01	66 FR 18740
FNPRM	09/13/01	66 FR 47618
MO&O	09/13/01	66 FR 47591
First R&O	10/25/01	66 FR 53973
Petition for Recon	11/02/01	66 FR 55666
Second R&O	01/24/03	68 FR 3455
Third NPRM	03/13/03	68 FR 12015
Seventh R&O	12/29/04	69 FR 7793
Petition for Recon	04/13/05	70 FR 19469
Eighth R&O	10/26/05	70 FR 61742
Order	10/26/05	70 FR 61742
NPRM	10/26/05	70 FR 61752
Public Notice	12/14/05	70 FR 74011
Ninth R&O and Order.	05/24/06	71 FR 29818
Petition for Recon	07/19/06	71 FR 41022
FNPRM	03/31/08	73 FR 16822
R&O and NPRM	06/23/09	74 FR 29607
FNPRM	06/23/09	74 FR 29607
5th R&O, 11th R&O, 6th R&O, and Declaratory Ruling.	11/02/10	75 FR 67227
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH65

461. Exposure to Radiofrequency Electromagnetic Fields

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 302 and 303; 47 U.S.C. 309(j); 47 U.S.C. 336

Abstract: In the Report and Order the Commission resolved several issues regarding compliance with the Federal Communications Commission's (FCC's) regulations for conducting environmental reviews under the National Environmental Policy Act (NEPA) as they relate to the guidelines for human exposure to RF electromagnetic fields. More specifically, the Commission clarifies evaluation procedures and references to determine compliance with its limits, including specific absorption rate (SAR) as a primary metric for compliance, consideration of the pinna (outer ear) as an extremity, and measurement of medical implant exposure. The Commission also elaborates on mitigation procedures to ensure compliance with its limits, including labeling and other requirements for occupational exposure classification, clarification of compliance responsibility at multiple transmitter sites, and labeling of fixed consumer transmitters.

Timetable:

Action	Date	FR Cite
NPRM	09/08/03	68 FR 52879
NPRM Comment Period End.	12/08/03	
R&O	06/04/13	78 FR 33634
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes

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RIN: 3060–AI17

462. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed ''white spaces''). This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary, correct any interference that may occur.

The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public Internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well.

This Order addressed five petitions for reconsideration of the Commission's decisions in the Second Memorandum Opinion and Order (''Second MO&O'') in this proceeding and modified rules in certain respects. In particular, the Commission: (1) Increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate the Commission's earlier decisions in this docket and to remove ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Recon.	02/09/11	76 FR 7208
3rd MO&O and Order.	05/17/12	77 FR 28236
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov*.

RIN: 3060–AI52

463. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rulemaking proposed to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposed to add co-primary Fixed and Mobile allocations to the existing Mobile-Satellite allocation. This would lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposed to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service.

The Commission also asked, in a Notice of Inquiry, about approaches for creating opportunities for full use of the 2 GHz band for stand-alone terrestrial uses. The Commission requested comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access.

In the Report and Order, the Commission amended its rules to make additional spectrum available for new investment in mobile broadband networks while also ensuring that the United States maintains robust mobile satellite service capabilities. First, the Commission adds co-primary Fixed and Mobile allocations to the Mobile Satellite Service (MSS) 2 GHz band, consistent with the International Table of Allocations, allowing more flexible use of the band, including for terrestrial broadband services, in the future. Second, to create greater predictability and regulatory parity with the bands licensed for terrestrial mobile broadband service, the Commission extends its existing secondary market spectrum manager spectrum leasing policies, procedures, and rules that currently apply to wireless terrestrial services to terrestrial services provided using the Ancillary Terrestrial Component (ATC) of an MSS system.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding concerning Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
R&O	05/31/11	76 FR 31252
Petitions for Recon.	08/10/11	76 FR 49364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes

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RIN: 3060–AJ46

464. Innovation in the Broadcast Television Bands (ET Docket No. 10–235)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(r)

Abstract: The Commission initiated this proceeding to further its ongoing commitment to addressing America's growing demand for wireless broadband services, to spur ongoing innovation and investment in mobile technology, and to ensure that America keeps pace with the global wireless revolution by making a significant amount of new spectrum available for broadband. The approach proposed is consistent with the goal set forth in the National Broadband Plan (the Plan) to repropose up to 120 megahertz from the broadcast television bands for new wireless broadband uses through, in part, voluntary contributions of spectrum to an incentive auction. Reallocation of this spectrum as proposed will provide the necessary flexibility for meeting the requirements of these new applications. In the Report and Order, the Commission took preliminary steps toward making a significant portion of the UHF and VHF frequency bands (U/V Bands) currently used by the broadcast television service available for new uses. This action serves to further address the Nation's growing demand for wireless broadband services, promote the ongoing innovation and investment in mobile communications, and ensure that the United States keeps pace with the global wireless revolution. At the same time, the approach helps preserve broadcast television as a healthy, viable medium and would be consistent with the general proposal set forth in the National Broadband Plan to repurpose spectrum from the U/V bands for new wireless broadband uses through, in part, voluntary contributions of spectrum to an incentive auction. This action is consistent with the recent enactment by Congress of new incentive auction authority for the Commission (Spectrum Act). Specifically, this item sets out a framework by which two or more television licensees may share a single six MHz channel in connection with an incentive auction. However, the Report and Order did not act on the proposals in the Notice of Proposed Rulemaking to establish fixed and mobile allocations in the U/V bands or to improve TV service on VHF channels. The Report and Order stated that the Commission will undertake a broader rulemaking to implement the Spectrum Act's provisions relating to an incentive auction for U/V band spectrum, and that it believes it will be more efficient to act on new allocations in the context of that rulemaking. In addition, the record created in response to the Notice of Proposed Rulemaking does not establish a clear way forward to significantly increase the utility of the VHF bands for the operation of television services. The Report and Order states that the Commission will revisit this matter in a future proceeding.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5521
NPRM Comment Period End.	03/18/11	
R&O	05/23/12	77 FR 30423
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes

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RIN: 3060–AJ57

465. Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301 and 303

Abstract: The Commission initiated this proceeding to promote innovation and efficiency in spectrum use in the Experimental Radio Service (ERS). For

many years, the ERS has provided fertile ground for testing innovative ideas that have led to new services and new devices for all sectors of the economy. The Commission proposed to leverage the power of experimental radio licensing to accelerate the rate at which these ideas transform from prototypes to consumer devices and services. Its goal is to inspire researchers to dream, discover, and deliver the innovations that push the boundaries of the broadband ecosystem. The resulting advancements in devices and services available to the American public and greater spectrum efficiency over the long term will promote economic growth, global competitiveness, and a better way of life for all Americans.

In the Report and Order (R&O), the Commission revised and streamlined its rules to modernize the Experimental Radio Service (ERS). The rules adopted in the R&O updated the ERS to a more flexible framework to keep pace with the speed of modern technological change while continuing to provide an environment where creativity can thrive. To accomplish this transition, the Commission created three new types of ERS licenses—the program license, the medical testing license, and the compliance testing license—to benefit the development of new technologies, expedite their introduction to the marketplace, and unleash the full power of innovators to keep the United States at the forefront of the communications industry. The Commission's actions also modified the market trial rules to eliminate confusion and more clearly articulate its policies with respect to marketing products prior to equipment certification. The Commission believes that these actions will remove regulatory barriers to experimentation, thereby permitting institutions to move from concept to experimentation to finished product more rapidly and to more quickly implement creative problem-solving methodologies.

Timetable:

Action	Date	FR Cite
NPRM	02/08/11	76 FR 6928
NPRM Comment Period End.	03/10/11	
R&O	04/29/13	78 FR 25138
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nnake Nweke, Chief, Experimental Licensing Branch, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0785, *Email: nnake.nweke@fcc.gov*.

RIN: 3060–AJ62

466. Operation of Radar Systems in the 76–77 GHZ Band (ET Docket No. 11–90)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303(f)

Abstract: The Commission proposes to amend its rules to enable enhanced vehicular radar technologies in the 76–77 GHz band to improve collision avoidance and driver safety. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver's ability to perceive objects under bad visibility conditions or objects that are in blind spots. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public. The Commission takes this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era'').

This Report and Order amends the Commission's rules to provide a more efficient use of the 76–77 GHz band, and to enable the automotive and aviation industries to develop enhanced safety measures for drivers and the general public. Specifically, the Commission eliminated the in-motion and not-in-motion distinction for vehicular radars, and instead adopted new uniform emission limits for forward, side, and rear-looking vehicular radars. This will facilitate enhanced vehicular radar technologies to improve collision avoidance and driver safety. The Commission also amended its rules to allow the operation of fixed radars at airport locations in the 76–77 GHz band for purposes of detecting foreign object debris on runways and monitoring aircraft and service vehicles on taxiways and other airport vehicle service areas that have no public vehicle access. The Commission took this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). Petitions for Reconsideration were filed by Navtech Radar, Ltd. and Honeywell International Inc.

Timetable:

Action	Date	FR Cite
NPRM	06/16/11	76 FR 35176
R&O	08/13/12	77 FR 48097
Petition for Recon	11/11/12	77 FR 68722
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ68

467. WRC–07 Implementation (ET Docket No. 12–338)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission proposed to amend parts 1, 2, 74, 78, 87, 90, and 97 of its rules to implement allocation decisions from the World Radiocommunication Conference (Geneva, 2007) (WRC 07) concerning portions of the radio frequency (RF) spectrum between 108 MHz and 20.2 GHz and to make certain updates to its rules in this frequency range. The NPRM follows the Commission's July 2010 WRC–07 Table Clean-up Order, 75 FR 62924, October 13, 2010, which made certain nonsubstantive, editorial revisions to the Table of Frequency Allocations (Allocation Table) and to other related rules. The Commission also addressed the recommendations for implementation of the WRC–07 Final Acts that the National Telecommunications and Information Administration (NTIA) submitted to the Commission in August 2009. As part of its comprehensive review of the Allocation Table, the Commission also proposed to make allocation changes that are not related to the WRC–07 Final Acts and update certain service rules, and requested comment on other allocation issues that concern portions of the RF spectrum between 137.5 kHz and 54.25 GHz.

Timetable:

Action	Date	FR Cite
NPRM	12/27/12	77 FR 76250
NPRM Comment Period End.	02/25/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ93

468. Federal Earth Stations-Non-Federal Fixed Satellite Service Space Stations; Spectrum For Non-Federal Space Launch Operations; Et Docket No. 13–115

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking proposes to make spectrum allocation proposals for three different space related purposes. The Commission makes two alternative proposals to modify the Allocation Table to provide interference protection for Fixed-Satellite Service (FSS) and Mobile-Satellite Service (MSS) earth stations operated by Federal agencies under authorizations granted by the National Telecommunications and Information Administration (NTIA) in certain frequency bands. The Commission also proposes to amend a footnote to the Allocation Table to permit a Federal MSS system to operate in the 399.9–400.05 MHz band; it also makes alternative proposals to modify the Allocation Table to provide access to spectrum on an interference protected basis to Commission licensees for use during the launch of launch vehicles (*i.e.* rockets). The Commission also seeks comment broadly on the future spectrum needs of the commercial space sector. The Commission expects that, if adopted, these proposals would advance the commercial space industry and the important role it will play in our nation's economy and technological innovation now and in the future.

Timetable:

Action	Date	FR Cite
NPRM	07/01/13	78 FR 39200
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK09

469. Authorization of Radiofrequency Equipment; ET Docket No. 13–44

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Commission is responsible for an equipment authorization program for radiofrequency (RF) devices under part 2 of its rules. This program is one of the primary means that the Commission uses to ensure that the multitude of RF devices used in the United States operate effectively without causing harmful interference and otherwise comply with the Commission rules. All RF devices subject to equipment authorization must comply with the Commission's technical requirement before they can be imported or marketed. The Commission or a Telecommunication Certification Body (TCB) must approve some of these devices before they can be imported or marketed, while others do not require such approval. The Commission last comprehensively reviewed its equipment authorization program more than 10 years ago. The rapid innovation in equipment design since that time has led to ever-accelerating growth in the number of parties applying for equipment approval. The Commission therefore believes that the time is now right for us to comprehensively review our equipment authorization processes to ensure that they continue to enable this growth and innovation in the wireless equipment market. In May of 2012, the Commission began this reform process by issuing an Order to increase the supply of available grantee codes. With this Notice of Proposed Rulemaking (NPRM), the Commission continues its work to review and reform the equipment authorization processes and rules. This Notice of Proposed Rulemaking proposes certain changes to the Commission's part 2 equipment authorization processes to ensure that they continue to operate efficiently and effectively. In particular, it addresses the role of TCBs in certifying RF equipment and post-market surveillance, as well as the Commission's role in assessing TCB performance. The NPRM also addressed the role of test laboratories in the RF equipment approval process, including accreditation of test labs and the Commission's recognition of laboratory accreditation bodies, and measurement procedures used to determine RF equipment compliance. Finally, it proposes certain modifications to the rules regarding TCBs that approve terminal equipment under part 68 of the rules that are consistent with our proposed modifications to the rules for TCBs that approve RF equipment. Specifically, the Commission proposes to recognize the National Institute for Standards and Technology (NIST) as the organization that designates TCBs in the United States and to modify the rules to reference the current International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) guides used to accredit TCBs.

Timetable:

Action	Date	FR Cite
NPRM	05/03/13	78 FR 25916
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK10

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

470. Space Station Licensing Reform (IB Docket No. 02–34)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 303(c); 47 U.S.C. 303(g)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to streamline its procedures for reviewing satellite license applications. Before 2003, the Commission used processing rounds to review those applications. In a processing round, when an application is filed, the International Bureau (Bureau) issued a Public Notice establishing a cutoff date for other mutually exclusive satellite applications, and then considered all those applications together. In cases where sufficient spectrum to accommodate all the applications was not available, the Bureau directed the applicants to negotiate a mutually agreeable solution. Those negotiations took a long time, and delayed provision of satellite services to the public. The NPRM invited comment on two alternatives for expediting the satellite application process. One alternative was to replace the processing round procedure with a ''first-come, first-served'' procedure that would allow the Bureau to issue a satellite license to the first party filing a complete, acceptable application. The other alternative was to streamline the processing round procedure by adopting one or more of the following proposals: (1) place a time limit on negotiations; (2) establish criteria to select among competing applicants; (3) divide the available

spectrum evenly among the applicants. In the First Report and Order in this proceeding, the Commission determined that different procedures were better-suited for different kinds of satellite applications. For most geostationary orbit (GSO) satellite applications, the Commission adopted a first-come, first-served approach. For most non-geostationary orbit (NGSO) satellite applications, the Commission adopted a procedure in which the available spectrum is divided evenly among the qualified applicants. The Commission also adopted measures to discourage applicants from filing speculative applications, including a bond requirement, payable if a licensee misses a milestone. The bond amounts originally were $5 million for each GSO satellite, and $7.5 million for each NGSO satellite system. These were interim amounts. Concurrently with the First Report and Order, the Commission adopted an FNPRM to determine whether to revise the bond amounts on a long-term basis. In the Second Report and Order, the Commission adopted a streamlined procedure for certain kinds of satellite license modification requests. In the Third Report and Order, the Commission adopted a standardized application form for satellite licenses, and adopted a mandatory electronic filing requirement for certain satellite applications. In the Fourth Report and Order, the Commission revised the bond amounts based on the record developed in response to FNPRM. The bond amounts are now $3 million for each GSO satellite, and $5 million for each NGSO satellite system.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12498
NPRM Comment Period End.	07/02/02	
Second R&O (Release Date).	06/20/03	68 FR 62247
Second FNPRM (Release Date).	07/08/03	68 FR 53702
Third R&O (Release Date).	07/08/03	68 FR 63994
FNPRM	08/27/03	68 FR 51546
First R&O	08/27/03	68 FR 51499
FNPRM Comment Period End.	10/27/03	
Fourth R&O (Release Date).	04/16/04	69 FR 67790
Fifth R&O, First Order on Recon (Release Date).	07/06/04	69 FR 51586
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH98

471. Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 161; 47 U.S.C. 201 to 205; ...

Abstract: The FCC is reviewing the reporting requirements to which entities providing U.S.-international service are subject under 47 CFR part 43. The FCC adopted a First Report and Order that eliminated certain of those requirements. Specifically, it eliminated the quarterly reporting requirements for large carriers and foreign-affiliated switch resale carriers, 47 CFR 43.61(b) and (c); the circuit addition report, 47 CFR 63.23(e); the division of telegraph tolls report, 47 CFR 43.53; and the requirement to report separately for U.S. offshore points, 43.61(a), 48.82(a). The FCC adopted Second Report and Order that made additional reforms to streamline further and modernize the reporting requirements, including requiring that entities providing international calling service via Voice over Internet Protocol (VoIP) connected to the public switched telephone network (PSTN) to submit data regarding their provision of international telephone service. The Voice on the Net Coalition (VON Coalition) filed a petition requesting that they reconsider requiring VoIP providers from reporting their international traffic and revenues.

Timetable:

Action	Date	FR Cite
NPRM	04/12/04	69 FR 29676
First R&O	05/12/11	76 FR 42567
FNPRM	05/12/11	76 FR 42613
FNPRM Comment Period End.	09/02/11	
Second R&O	01/15/13	78 FR 15615
Petition for Recon	07/01/13	78 FR 39232
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AI42

472. International Settlements Policy Reform (IB Docket No. 11–80)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 201 to 205; 47 U.S.C. 208; 47 U.S.C. 211; 47 U.S.C. 214; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 403

Abstract: FCC is reviewing the International Settlements Policy (ISP), which governs how U.S. carriers negotiate with foreign carriers for the exchange of international traffic and is the structure by which the Commission has sought to respond to concerns that foreign carriers with market power are able to take advantage of the presence of multiple U.S. carriers serving a particular market. In the NPRM, the FCC proposes to further deregulate the international telephony market and enable U.S. consumers to enjoy competitive prices when they make calls to international destinations. First, it proposes to remove the ISP from all international routes, except Cuba. Second, the FCC seeks comment on a proposal to enable the Commission to better protect U.S. consumers from the effects of anticompetitive conduct by foreign carriers in instances necessitating Commission intervention. Specifically, it seeks comments on proposals and issues regarding the application of the Commission's benchmarks policy.

Timetable:

Action	Date	FR Cite
NPRM	05/13/11	76 FR 42625
NPRM Comment Period End.	09/02/11	
Report and Order	02/15/13	78 FR 11109
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov*.

RIN: 3060–AJ77

473. Revisions to Parts 2 and 25 of the Commission's Rules to Govern the Use of Earth Stations Aboard Aircraft (IB Docket No. 12–376)

Legal Authority: 47 U.S.C. 154(i) and (j); 47 U.S.C. 157(a); 47 U.S.C. 302(a); 47 U.S.C. 303(c), (e), (f), (g), (j), (r) and (y)

Abstract: In this docket, the Commission provides for the efficient licensing of two-way in-flight broadband services, including Internet access, to passengers and flight crews aboard commercial airliners and private

aircraft. The Report and Order establishes technical and licensing rules for Earth Stations Aboard Aircraft (ESAA), *i.e.,* Earth stations on aircraft communicating with Fixed-Satellite Service (FSS) geostationary-orbit (GSO) space stations operating in the 10.95–11.2 GHz, 11.45–11.7 GHz, 11.7–12.2 GHz (space-to-Earth or downlink) and 14.0–14.5 GHz (Earth-to-space or uplink) frequency bands. The Notice of Proposed Rulemaking requests comment on a proposal to elevate the allocation status of ESAA in the 14.0–14.5 GHz band from secondary to primary, which would make the ESAA allocation equal to the allocations of Earth Stations on Vessels (ESV) and Vehicle-Mounted Earth Stations (VMES).

Timetable:

Action	Date	FR Cite
NPRM	04/20/05	70 FR 20508
R&O	03/08/13	78 FR 14920
NPRM	03/18/13	78 FR 14952
NPRM Comment Period End.	06/21/13	
2nd R&O and Order on Recon.	05/12/14	79 FR 26863
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Griboff, Deputy Chief, Policy Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0657, *Fax:* 202 418–2824, *Email: howard.griboff@fcc.gov*.

RIN: 3060–AJ96

474. Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market (IB Docket 12–299)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201 to 205

Abstract: FCC is considering proposed changes in the criteria under which it considers certain applications from foreign carriers or affiliates of foreign carriers for entry into the U.S. market for international telecommunications services. It proposes to eliminate or in the alternative simplify the effective competitive opportunities test (ECO Text) adopted in 1995 for Commission review of foreign carrier applications.

Timetable:

Action	Date	FR Cite
NPRM	11/26/12	77 FR 70400
NPRM Comment Period End.	12/26/12	
NPRM Reply Comment Period End.	01/15/13	
R&O	06/03/14	79 FR 31873
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov*.

RIN: 3060–AJ97

475. Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 161; 47 U.S.C. 303(c); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) as part of its ongoing efforts to update and streamline regulatory requirements. The NPRM initiated a comprehensive review of part 25 of the Commission's rules, which governs licensing and operation of space stations and Earth stations. The amendments proposed in the NPRM modernize the rules to better reflect evolving technology and reorganize and simplify existing requirements. Furthermore, the changes will remove unnecessary filing requirements for applicants requesting space and Earth station licenses, allowing applicants and licensees to save time, effort, and costs in preparing applications. Other changes are designed to remove unnecessary technical restrictions, enabling applicants to submit fewer waiver requests, which will ease administrative burdens in submitting and processing applications and reduce the amount of time spent on applications by applicants, licensees, and the Commission.

Timetable:

Action	Date	FR Cite
NPRM	11/25/12	77 FR 67172
NPRM Comment Period End.	12/24/12	
Reply Comment Period End.	01/22/13	
Report and Order	02/12/14	79 FR 8308
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Kelly, Associate Chief, Satellite Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7877, *Fax:* 202 418–0748, *Email: andrea.kelly@fcc.gov*.

RIN: 3060–AJ98

476. Expanding Broadband and Innovation Through Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHZ Band; GN Docket No. 13–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 324

Abstract: In this docket, the Commission establishes a secondary allocation for the Aeronautical Mobile Service in the 14.0–14.5 GHz band and establishes service, technical, and licensing rules for air-ground mobile broadband. The Notice of Proposed Rulemaking requests public comment on a secondary allocation and service, technical, and licensing rules for air-ground mobile broadband.

Timetable:

Action	Date	FR Cite
NPRM (release date).	05/09/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean O'More, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2453, *Email: sean.omore@fcc.gov*.

RIN: 3060–AK02

477. Terrestrial Use of the 2473–2495 MHZ Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213

Legal Authority: Not Yet Determined

Abstract: In this docket, the Commission proposes modified rules for the operation of the Ancillary Terrestrial Component of the single Mobile-Satellite Service system operating in the Big GEO S band. The changes would allow Globalstar, Inc. to deploy a low power broadband network using its licensed spectrum at 2483.5–2495 MHz under certain limited technical criteria, and with the same equipment utilize spectrum in the adjacent 2473–2483.5 MHz band, pursuant to technical rules for unlicensed operations in that band.

Timetable:

Action	Date	FR Cite
NPRM	02/19/14	79 FR 9445
NPRM Comment Period End.	05/05/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynne Montgomery, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2229, *Email: lynne.montgomery@fcc.gov.*

RIN: 3060–AK16

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Completed Actions

478. Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees Under Section 310(B)(4) of the Communications Act Of 1934, as Amended (IB Docket No. 11–133)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 211; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 403

Abstract: FCC seeks comment on changes and other options to revise and simplify its policies and procedures implementing section 310(b)(4) for common carrier and aeronautical radio station licensees while continuing to ensure that we have the information we need to carry out our statutory duties. (The NPRM does not address our policies with respect to the application of section 310(b)(4) to broadcast licensees.) The proposals are designed to reduce to the extent possible the regulatory costs and burdens imposed on wireless common carrier and aeronautical applicants, licensees, and spectrum lessees; provide greater transparency and more predictability with respect to the Commission's filing requirements and review process; and facilitate investment from new sources of capital, while continuing to protect important interests related to national security, law enforcement, foreign policy, and trade policy. The streamlining proposals in the NPRM may reduce costs and burdens currently imposed on licensees, including those licensees that are small entities, and accelerate the foreign ownership review process, while continuing to ensure that the Commission has the information it needs to carry out its statutory duties.

Timetable:

Action	Date	FR Cite
NPRM	08/09/11	76 FR 65472
NPRM Comment Period End.	01/04/12	
First R&O	08/22/12	77 FR 50628
Final Rule	07/10/13	78 FR 41314
Final Rule Effective.	08/09/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov*

RIN: 3060–AJ70

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

479. Competitive Availability of Navigation Devices (CS Docket No. 97–80)

Legal Authority: 47 U.S.C. 549

Abstract: The Commission has adopted rules to address the mandate expressed in section 629 of the Communications Act to ensure the commercial availability of ''navigation devices,'' the equipment used to access video programming and other services from multichannel video programming systems. Specifically, the Commission required MVPDs to make available by a security element (known as a ''cablecard'') separate from the basic navigation device (*e.g.,* cable set-top boxes, digital video recorders, and television receivers with navigation capabilities). The separation of the security element from the host device required by this rule (referred to as the ''integration ban'') was designed to enable unaffiliated manufacturers, retailers, and other vendors to commercially market host devices while allowing MVPDs to retain control over their system security. Also, in this proceeding, the Commission adopted unidirectional ''plug and play'' rules to govern compatibility between MVPDs and navigation devices manufactured by consumer electronics manufacturers not affiliated with cable operators. In the most recent action, the Commission made rule changes to improve the operation of the CableCard regime.

Timetable:

Action	Date	FR Cite
NPRM	03/05/97	62 FR 10011
R&O	07/15/98	63 FR 38089
Order on Recon	06/02/99	64 FR 29599
FNPRM & Declaratory Ruling.	09/28/00	65 FR 58255
FNPRM	01/16/03	68 FR 2278
Order and FNPRM.	06/17/03	68 FR 35818
Second R&O	11/28/03	68 FR 66728
FNPRM	11/28/03	68 FR 66776
Order on Recon	01/28/04	69 FR 4081
Second R&O	06/22/05	70 FR 36040
Third FNPRM	07/25/07	72 FR 40818
Fourth FNPRM	05/14/10	75 FR 27256
Third R&O	07/08/11	76 FR 40263
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Murray, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1573, *Email: brendan.murray@fcc.gov*

RIN: 3060–AG28

480. Broadcast Ownership Rules

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every 4 years and determine whether any such rules are necessary in the public interest as the result of competition. In 2002, the Commission undertook a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule. The Report and Order replaced the newspaper/broadcast cross-ownership and radio and TV rules with a tiered approach based on the number of television stations in a market. In June 2006, the Commission adopted a Further Notice of Proposed Rulemaking initiating the 2006 review of the broadcast ownership rules. The further notice also sought comment on how to address the issues raised by the Third Circuit. Additional questions are raised for comment in a Second Further Notice of Proposed Rulemaking. In the Report and Order and Order on Reconsideration, the Commission adopted rule changes regarding newspaper/broadcast cross-ownership, but otherwise generally retained the other broadcast ownership rules currently in effect. For the 2010 quadrennial review, five of the Commission's media rules are the

subject of review: The local TV ownership rule; the local radio ownership rule; the newspaper broadcast cross-ownership rule; the radio/TV cross-ownership rule; and the dual network rule.

In the 2014 review, the Commission incorporated the record of the 2010 review, and sought additional data on market conditions and competitive indicators. The Commission also sought comment on whether to eliminate restrictions on newspaper/radio combined ownership and whether to eliminate the radio/television cross-ownership rule in favor of reliance on the local radio rule and the local television rule.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Recon.	02/21/08	73 FR 9481
Notice of Inquiry	06/11/10	75 FR 33227
NPRM	01/19/12	77 FR 2868
NPRM Comment Period End.	03/19/12	
FNPRM	05/20/14	79 FR 29010
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7334, *Email: hillary.denigro@fcc.gov*.

RIN: 3060–AH97

481. Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185)

Legal Authority: 47 U.S.C. 309; 47 U.S.C. 336

Abstract: This proceeding initiates the digital television conversion for low-power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting. The Report and Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations. The Second Report and Order takes steps to resolve the remaining issues in order to complete the low-power television digital transition.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
2nd R&O	07/07/11	76 FR 44821
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney, Video Division, Federal Communications Commission, Mass Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2324, *Fax:* 202 418–2827, *Email: shaun.maher@fcc.gov*.

RIN: 3060–AI38

482. Joint Sales Agreements in Local Television Markets (MB Docket No. 04–256)

Legal Authority: 47 U.S.C. 151 to 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; . . .

Abstract: A joint sales agreement (JSA) is an agreement with a licensee of a brokered station that authorizes a broker to sell some or all of the advertising time for the brokered station in return for a fee or percentage of revenues paid to the licensee. The Commission has sought comment on whether TV JSAs should be attributed for purposes of determining compliance with the Commission's multiple ownership rules.

In 2014, the Commission determined that for the purposes of applying the broadcast ownership rules, a brokered station will be attributed to a same market brokering station if the JSA covers more than 15 percent of the weekly advertising time of the brokered station. The Commission found that television JSAs have the potential to convey significant influence over stations operations.

Timetable:

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52464
NPRM Comment Period End.	09/27/04	
R&O	05/20/14	79 FR 28996
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–7334, *Email: hillary.denigro@fcc.gov*.

RIN: 3060–AI55

483. Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i) and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and Third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and Fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. The Memorandum Opinion & Order addressed petitions for reconsideration of the rules, and also sought comment on a proposal to expand the reporting requirements to non attributable interests. Pursuant to a remand from the Third Circuit, the measures adopted in the 2009 Diversity Order were put forth for comment in the NPRM for the 2010 review of the Commission's Broadcast Ownership rules.

The Commission sought additional comment in 2014. As directed by the court, the Commission considered a socially and economic disadvantaged business definition as a possible oasis for favorable regulatory treatment.

Timetable:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
Third FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
Fourth FNPRM	05/27/09	74 FR 25305
MO&O	10/30/09	74 FR 56131
NPRM	01/19/12	77 FR 2868
5th NPRM	01/15/13	78 FR 2934
6th FNPRM	01/15/13	78 FR 2925
FNPRM	05/20/14	79 FR 29010
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW.,

Washington, DC 20554, *Phone*: 202–418–7334, *Email: hillary.denigro@fcc.gov*.

RIN: 3060–AJ27

484. Amendment of the Commission's Rules Related to Retransmission Consent (MB Docket No. 10–71)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 325; 47 U.S.C. 534

Abstract: Cable systems and other multichannel video programming distributors are not entitled to retransmit a broadcast station's signal without the station's consent. This consent is known as ''retransmission consent.'' Since Congress enacted the retransmission consent regime in 1992, there have been significant changes in the video programming marketplace. In this proceeding, comment is sought on a series of proposals to streamline and clarify the Commission's rules concerning or affecting retransmission consent negotiations.

In the 2014 Report and Order, the Commission adopted a rule providing that it is a violation of the duty to negotiate retransmission consent in good faith for a television station that is ranked among the top four stations to negotiate retransmission consent jointly with another such station if the stations are not commonly owned and serve the same geographic market.

Timetable:

Action	Date	FR Cite
NPRM	03/28/11	76 FR 17071
NPRM Comment Period End.	05/27/11	
R&O	05/19/14	79 FR 28615
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov*

RIN: 3060–AJ55

485. Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No.11–43)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 303

Abstract: The Twenty-First Century Communications and Video Accessibility Act of 2010 (''CVAA'') requires reinstatement of the video description rules adopted by the Commission in 2000. ''Video description,'' which is the insertion of narrated descriptions of a television program's key visual elements into natural pauses in the program's dialogue, makes video programming more accessible to individuals who are blind or visually impaired. This proceeding was initiated to enable compliance with the CVAA.

Timetable:

Action	Date	FR Cite
NPRM	03/18/11	76 FR 14856
NPRM Comment Period End.	04/18/11	
R&O	09/08/11	76 FR 55585
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2132, *Email: marybeth.murphy@fcc.gov*.

RIN: 3060–AJ56

486. Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 330(b); 47 U.S.C. 613; 47 U.S.C. 617

Abstract: Pursuant to the Commission's responsibilities under the Twenty-First Century Communications and Video Accessibility Act of 2010, this proceeding was initiated to adopt rules to govern the closed captioning requirements for the owners, providers, and distributors of video programming delivered using Internet protocol.

Timetable:

Action	Date	FR Cite
NPRM	09/28/11	76 FR 59963
R&O	03/20/12	77 FR 19480
Order on Recon, FNPRM.	07/02/13	78 FR 39691
2nd Order on Recon.	08/05/14	79 FR 45354
2nd FNPRM	08/05/14	79 FR 45397
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov*.

RIN: 3060–AJ67

487. Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 303(aa); 47 U.S.C. 303(bb)

Abstract: This proceeding was initiated to implement sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act. These sections generally require that user interfaces on digital apparatus and navigation devices used to view video programming be accessible to and usable by individuals who are blind or visually impaired.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36478
NPRM Comment Period End.	07/15/13	
R&O	12/20/13	78 FR 77210
FNPRM	12/20/13	78 FR 77074
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Adam Copeland, Attorney, Policy Division Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: adam.copeland@fcc.gov*.

RIN: 3060–AK11

488. • Network Non-Duplication and Syndicated Exclusivity Rule (MB Docket No. 14–29)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 303(R); 47 U.S.C. 307; 47 U.S.C. 339(b); 47 USC573(b)

Abstract: In this proceeding, the Commission continues to examine whether to eliminate or modify the network no-duplication and syndicated exclusivity rules in light of changes in the video marketplace in the more than 40 years since these rules were adopted.

Timetable:

Action	Date	FR Cite
NPRM	04/10/14	79 FR 19849
NPRM Comment Period End.	05/12/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Berthot, Attorney, Policy Div. Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: kathy.berthot@fcc.gov*.

RIN: 3060–AK18

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

489. Assessment and Collection of Regulatory Fees

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	04/06/06	71 FR 17410
R&O	08/02/06	71 FR 43842
NPRM	05/02/07	72 FR 24213
R&O	08/16/07	72 FR 45908
FNPRM	08/16/07	72 FR 46010
NPRM	05/28/08	73 FR 30563
R&O	08/26/08	73 FR 50201
FNPRM	08/26/08	73 FR 50285
2nd R&O	05/12/09	74 FR 22104
NPRM and Order	06/02/09	74 FR 26329
R&O	08/11/09	74 FR 40089
NPRM	04/26/10	75 FR 21536
R&O	07/19/10	75 FR 41932
NPRM	05/26/11	76 FR 30605
R&O	08/10/11	76 FR 49333
NPRM	05/17/12	77 FR 29275
R&O	08/03/12	77 FR 46307
NPRM	08/17/12	77 FR 49749
NPRM	06/10/13	78 FR 34612
R&O	08/23/13	78 FR 52433
NPRM	07/03/14	79 FR 37982
R&O	09/11/14	79 FR 54190
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0444, *Email: roland.helvajian@fcc.gov.*

RIN: 3060–AI79

490. Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of Cores Registration System; MD Docket No. 10–234

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 158(c)(2); 47 U.S.C. 159(c)(2); 47 U.S.C. 303(r); 5 U.S.C. 5514; 31 U.S.C. 7701(c)(1)

Abstract: This Notice of Proposed Rulemaking proposes revisions intended to make the Commission's Registration System (CORES) more feature-friendly and improve the Commission's ability to comply with various statutes that govern debt collection and the collection of personal information by the Federal Government. The proposed modifications to CORES partly include: Requiring entities and individuals to rely primarily upon a single FRN that may, at their discretion, be linked to subsidiary or associated accounts; allowing entities to identify multiple points of contact; eliminating some of our exceptions to the requirement that entities and individuals provide their Taxpayer Identification Number (TIN) at the time of registration; requiring FRN holders to provide their email addresses; modifying CORES log-in procedures; adding attention flags and automated notices that would inform FRN holders of their financial standing before the Commission; and adding data fields to enable FRN holders to indicate their tax-exempt status and notify the Commission of pending bankruptcy proceedings.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5652
NPRM Comment Period End.	03/03/11	
Public Notice	02/15/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Warren Firschein, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0844, *Email: warren.firschein@fcc.gov.*

RIN: 3060–AJ54

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

491. Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems

Legal Authority: 47 U.S.C. 134(i); 47 U.S.C. 151; 47 U.S.C. 201; 47 U.S.C. 208; 47 U.S.C. 215; 47 U.S.C. 303; 47 U.S.C. 309

Abstract: In a series of orders in several related proceedings issued since 1996, the Federal Communications Commission has taken action to improve the quality and reliability of 911 emergency services for wireless phone users. Rules have been adopted governing the availability of basic 911 services and the implementation of enhanced 911 (E911) for wireless services.

Timetable:

Action	Date	FR Cite
FNPRM	08/02/96	61 FR 40374
R&O	08/02/96	61 FR 40348
MO&O	01/16/98	63 FR 2631
Second R&O	06/28/99	64 FR 34564
Third R&O	11/04/99	64 FR 60126
Second MO&O	12/29/99	64 FR 72951
Fourth MO&O	10/02/00	65 FR 58657
FNPRM	06/13/01	66 FR 31878
Order	11/02/01	66 FR 55618
R&O	05/23/02	67 FR 36112
Public Notice	07/17/02	67 FR 46909
Order to Stay	07/26/02	
Order on Recon	01/22/03	68 FR 2914
FNPRM	01/23/03	68 FR 3214
R&O, Second FNPRM.	02/11/04	69 FR 6578
Second R&O	09/07/04	69 FR 54037
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
Comment Period End.	10/18/08	
Public Notice	11/18/09	74 FR 59539
Comment Period End.	12/04/09	
FNPRM, NOI	11/02/10	75 FR 67321
Second R&O	11/18/10	75 FR 70604
Order, Comment Period Extension.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
Final Rule	04/28/11	76 FR 23713
NPRM	08/04/11	76 FR 47114
Second FNPRM	08/04/11	76 FR 47114
3rd R&O	09/28/11	76 FR 59916
NPRM Comment Period End.	11/02/11	
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AG34

492. Enhanced 911 Services for Wireline

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The rules generally will assist State governments in drafting legislation that will ensure that multiline telephone systems are compatible with the enhanced 911 network. The Public Notice seeks comment on whether the Commission, rather than States, should regulate multiline telephone systems, and whether part 68 of the Commission's rules should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Public Notice (Release Date).	05/21/12	
Public Notice Comment Period End.	08/06/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AG60

493. In the Matter of the Communications Assistance for Law Enforcement Act

Legal Authority: 47 U.S.C. 229; 47 U.S.C. 1001 to 1008

Abstract: All of the decisions in this proceeding thus far are aimed at implementation of provisions of the Communications Assistance for Law Enforcement Act.

Timetable:

Action	Date	FR Cite
NPRM	10/10/97	62 FR 63302
Order	01/13/98	63 FR 1943
FNPRM	11/16/98	63 FR 63639
R&O	01/29/99	64 FR 51462
Order	03/29/99	64 FR 14834
Second R&O	09/23/99	64 FR 51462
Third R&O	09/24/99	64 FR 51710
Order on Recon	09/28/99	64 FR 52244
Policy Statement	10/12/99	64 FR 55164
Second Order on Recon.	05/04/01	66 FR 22446
Order	10/05/01	66 FR 50841
Order on Remand	05/02/02	67 FR 21999
NPRM	09/23/04	69 FR 56976
First R&O	10/13/05	70 FR 59704
Second R&O	07/05/06	71 FR 38091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AG74

494. Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 202; 47 U.S.C. 208; 47 U.S.C. 210; 47 U.S.C. 214; 47 U.S.C. 251(e); 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 308 to 309(j); 47 U.S.C. 310

Abstract: This proceeding was separate from the Commission's proceeding on Enhanced 911 Emergency Systems (E911) in that it intended to implement provisions of the Wireless Communications and Public Safety Act of 1999 through the promotion of public safety by the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. More specifically, the chief goal of the proceeding is to ensure that all emergency calls are routed to the appropriate local emergency authority to provide assistance. The E911 proceeding goes a step further and was aimed at improving the effectiveness and reliability of wireless 911 dispatchers with additional information on wireless 911 calls.

Timetable:

Action	Date	FR Cite
Fourth R&O, Third NPRM.	09/19/00	65 FR 56752
NPRM	09/19/00	65 FR 56757
Fifth R&O, First R&O, and MO&O.	01/14/02	67 FR 1643
Final Rule	01/25/02	67 FR 3621
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AH90

495. E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 251(e); 47 U.S.C. 303(r)

Abstract: The notice seeks comment on what additional steps the Commission should take to ensure that providers of Voice over Internet Protocol services that interconnect with the public switched telephone network to provide ubiquitous and reliable enhanced 911 service.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM	06/29/05	70 FR 37307
R&O	06/29/05	70 FR 37273
NPRM Comment Period End.	09/12/05	
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
FNPRM, NOI	11/02/10	75 FR 67321
Order, Extension of Comment Period.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
2nd FNPRM, NPRM.	08/04/11	76 FR 47114
2nd FNPRM Comment Period End.	11/02/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AI62

496. Commercial Mobile Alert System

Legal Authority: Pub. L. 109–347 title VI; E.O. 13407; 47 U.S.C. 151; 47 U.S.C. 154(i)

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission initiated a comprehensive rulemaking to establish a commercial mobile alert system under which commercial mobile service providers may elect to transmit emergency alerts to the public. The Commission has issued three orders adopting CMAS rules as required by statute. Issues raised in an FNPRM regarding testing requirements for noncommercial educational and public

broadcast television stations remain outstanding.

Timetable:

Action	Date	FR Cite
NPRM	01/03/08	73 FR 545
NPRM Comment Period End.	02/04/08	
First R&O	07/24/08	73 FR 43009
Second R&O	08/14/08	73 FR 47550
FNPRM	08/14/08	73 FR 47568
FNPRM Comment Period End.	09/15/08	
Third R&O	09/22/08	73 FR 54511
Approval of Information Collection for 2nd R&O.	02/13/12	77 FR 41331
Order	02/25/13	78 FR 16806
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7452, *Email: lisa.fowlkes@fcc.gov*.

RIN: 3060–AJ03

497. Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: This is related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy Enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
FNPRM; NOI	11/02/10	75 FR 67321
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
Final Rule	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AJ52

498. Private Land Radio Services/ Miscellaneous Wireless Communications Services

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; Pub. L. 112–96

Abstract: This action proposes technical rules to protect against harmful radio frequency interference in the spectrum designated for public safety services under the Middle Class Tax Relief and Job Creation Act of 2012.

Timetable:

Action	Date	FR Cite
NPRM	04/24/13	78 FR 24138
NPRM Comment Period End.	05/24/13	
R&O	01/06/14	79 FR 588
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Hurley, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2220, *Email: brian.hurley@fcc.gov*.

RIN: 3060–AJ99

499. • Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHZ Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This proceeding seeks to amend the Commission's rules to promote spectrum efficiency, interoperability, and flexibility in 700 MHz public safety narrowband operations (769775/799805 MHz).

Timetable:

Action	Date	FR Cite
NPRM	04/19/13	78 FR 23529
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov*.

RIN: 3060–AK19

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Completed Actions

500. Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 160; 47 U.S.C. 201 and 202; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This item takes steps toward developing a flexible regulatory framework to meet vital current and future public safety communications needs.

Timetable:

Action	Date	FR Cite
NPRM	10/09/97	62 FR 60199
Second NPRM	11/07/97	62 FR 60199
First R&O	11/02/98	63 FR 58645
Third NPRM	11/02/98	63 FR 58685
First MO&O	11/04/99	64 FR 60123
Second R&O	08/08/00	65 FR 48393
Fourth NPRM	08/25/00	65 FR 51788
Second MO&O	09/05/00	65 FR 53641
Third MO&O	11/07/00	65 FR 66644
Third R&O	11/07/00	65 FR 66644
Fifth NPRM	02/16/01	66 FR 10660
Fourth R&O	02/16/01	66 FR 10632
Fourth MO&O	09/27/02	67 FR 61002
Sixth NPRM	11/08/02	67 FR 68079
Fifth R&O	12/13/02	67 FR 76697
Seventh NPRM	04/27/05	70 FR 21726
Sixth R&O	04/27/05	70 FR 21671
Eighth NPRM	04/07/06	71 FR 17786
NPRM	09/21/06	71 FR 55149
Ninth NPRM	01/10/07	72 FR 1201
R&O and FNPRM	05/02/07	72 FR 24238
Second R&O	08/24/07	72 FR 48814
Second FNPRM	05/21/08	73 FR 29582
Third FNPRM	10/03/08	73 FR 57750
Third R&O	01/25/11	76 FR 51271
Fourth FNPRM	01/25/11	76 FR 51271
Fourth FNPRM Comment Period End.	05/10/11	
Fourth R&O	07/20/11	76 FR 62309
Seventh R&O	07/10/14	79 FR 39336

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov.*

RIN: 3060–AG85

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

501. Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(n); 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 251(a); 47 U.S.C. 253; 47 U.S.C. 303(r); 47 U.S.C. 332(c)(1)(B); 47 U.S.C. 309

Abstract: This rulemaking considers whether the Commission should adopt an automatic roaming rule for voice services for Commercial Mobile Radio Services and whether the Commission should adopt a roaming rule for mobile data services.

Timetable:

Action	Date	FR Cite
NPRM	11/21/00	65 FR 69891
NPRM	09/28/05	70 FR 56612
NPRM	01/19/06	71 FR 3029
FNPRM	08/30/07	72 FR 50085
Final Rule	08/30/07	72 FR 50064
Final Rule	04/28/10	75 FR 22263
FNPRM	04/28/10	75 FR 22338
2nd R&O	05/06/11	76 FR 26199
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Trachtenberg, Associate Division Chief SCPD, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7369, *Email: peter.trachtenberg@fcc.gov.*

Christina Clearwater, Assistant Division Chief, SCPD, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1893, *Email: christina.clearwater@fcc.gov.*

RIN: 3060–AH83

502. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate, and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O	03/29/11	76 FR 17347
Stay Order	03/29/11	76 FR 17353
3rd FNPRM	01/30/13	78 FR 6276
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov.*

RIN: 3060–AI35

503. Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 155; 47 U.S.C. 155(c); 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 309(j); 47 U.S.C. 325(e); 47 U.S.C. 334; 47 U.S.C. 336; 47 U.S.C. 339; 47 U.S.C. 554

Abstract: This proceeding implements rules and procedures needed to comply with the Commercial Spectrum Enhancement Act (CSEA). It establishes a mechanism for reimbursing Federal agencies' out-of-spectrum auction proceeds for the cost of relocating their operations from certain ''eligible frequencies'' that have been reallocated from Federal to non-Federal use. It also seeks to improve the Commission's ability to achieve Congress' directives with regard to designated entities and to ensure that, in accordance with the intent of Congress, every recipient of its designated entity benefits is an entity that uses its licenses to directly provide facilities-based telecommunications services for the benefit of the public.

Timetable:

Action	Date	FR Cite
NPRM	06/14/05	70 FR 43372
NPRM Comment Period End.	08/26/05	
Declaratory Ruling	06/14/05	70 FR 43322
R&O	01/24/06	71 FR 6214
FNPRM	02/03/06	71 FR 6992
FNPRM Comment Period End.	02/24/06	
Second R&O	04/25/06	71 FR 26245
Order on Recon of Second R&O.	06/02/06	71 FR 34272
NPRM	06/21/06	71 FR 35594
NPRM Comment Period End.	08/21/06	
Reply Comment Period End.	09/19/06	
Second Order and Recon of Second R&O.	04/04/08	73 FR 18528
Order	02/01/12	77 FR 16470
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7384, *Email: kelly.quinn@fcc.gov.*

RIN: 3060–AI88

504. Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHZ Bands

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 301 to 303; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: The Commission seeks comment on whether to assign Educational Broadband Service (EBS) spectrum in the Gulf of Mexico. It also seeks comment on how to license unassigned and available EBS spectrum. Specifically, we seek comment on whether it would be in the public interest to develop a scheme for licensing unassigned EBS spectrum that avoids mutual exclusivity; we ask whether EBS eligible entities could participate fully in a spectrum auction; we seek comment on the use of small business size standards and bidding credits for EBS if we adopt a licensing scheme that could result in mutually exclusive applications; we seek comment on the proper market size and size of spectrum blocks for new EBS licenses; and we seek comment on issuing one license to a State agency designated by the Governor to be the spectrum manager, using frequency

coordinators to avoid mutually exclusive EBS applications, as well as other alternative licensing schemes. The Commission must develop a new licensing scheme for EBS in order to achieve the Commission's goal of facilitating the development of new and innovative wireless services for the benefit of students throughout the Nation. In addition, the Commission has sought comment on a proposal intended to make it possible to use wider channel bandwidths for the provision of broadband services in these spectrum bands. The proposed changes may permit operators to use spectrum more efficiently, and to provide higher data rates to consumers, thereby advancing key goals of the National Broadband Plan.

Timetable:

Action	Date	FR Cite
NPRM	04/02/03	68 FR 34560
NPRM Comment Period End.	09/08/03	
FNPRM	07/29/04	69 FR 72048
FNPRM Comment Period End.	01/10/03	
R&O	07/29/04	69 FR 72020
MO&O	04/27/06	71 FR 35178
FNPRM	03/20/08	73 FR 26067
FNPRM Comment Period End.	07/07/08	
MO&O	03/20/08	73 FR 26032
MO&O	09/28/09	74 FR 49335
FNPRM	09/28/09	74 FR 49356
FNPRM Comment Period End.	10/13/09	
R&O	06/03/10	75 FR 33729
FNPRM	05/27/11	76 FR 32901
FNPRM Comment Period End.	07/22/11	
R&O	07/16/14	79 FR 41448
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov*.

RIN: 3060–AJ12

505. Amendment of the Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04–344)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 306; 47 U.S.C. 307(e); 47 U.S.C. 332; 47 U.S.C. 154(i); 47 U.S.C. 161

Abstract: This action adopts additional measures for domestic implementation of Automatic Identification Systems (AIS), an advanced marine vessel tracking and navigation technology that can significantly enhance our Nation's homeland security as well as maritime safety.

Timetable:

Action	Date	FR Cite
Final Rule	01/29/09	74 FR 5117
Final Rule Effective.	03/02/09	
Petition for Recon	04/03/09	74 FR 15271
Final Rule	05/26/11	76 FR 33653
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov*.

RIN: 3060–AJ16

506. Service Rules for Advanced Wireless Services in the 2155–2175 MHZ Band; WT Docket No. 13–185

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301

Abstract: This proceeding explores the possible uses of the 2155–2175 MHz frequency band (AWS–3) to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks. The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–3 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services. We proposed to apply our flexible, market-oriented rules to the band in order to meet this objective. Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed AWS–3 rules, which include adding 5 megahertz of spectrum (2175–80 MHz) to the AWS–3 band, and requiring licensees of that spectrum to provide—using up to 25 percent of its wireless network capacity—free, 2-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/14/07	72 FR 64013
NPRM Comment Period End.	01/14/08	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End.	08/11/08	
FNPRM	08/20/13	78 FR 51559
FNPRM Comment Period End.	10/16/13	
R&O	06/04/14	79 FR 32366
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Div. Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov*.

RIN: 3060–AJ19

507. Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHZ Band (WT Docket No. 08–166) Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 301 and 302(a); 47 U.S.C. 303; 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: On January 15, 2010, the Commission released a Report and Order that prohibits the distribution and sale of wireless microphones that operate in the 700 MHz band (698–806 MHz, channels 52–69) and includes a number of provisions to clear these devices from that band. These actions help complete an important part of the DTV transition by clearing the 700 MHz band to enable the rollout of communications services for public safety and the deployment of next generation wireless devices. On January 15, 2010, the Commission also released a Further Notice of Proposed Rulemaking seeking comment on the operation of low power auxiliary stations, including wireless microphones, in the core TV bands (channels 2–51, excluding channel 37). Among the issues the Commission is considering in the Further Notice are revisions to its rules to expand eligibility for licenses to operate wireless microphones under part 74; the operation of wireless microphones on

an unlicensed basis in the core TV bands under part 15; technical rules to apply to low power wireless audio devices, including wireless microphones, operating in the core TV bands on an unlicensed basis under part 15 of the rules; and long-term solutions to address the operation of wireless microphones and the efficient use of the core TV spectrum. On October 5, 2012, the Wireless Telecommunications Bureau and the Office of Engineering and Technology released a Public Notice asking that the record be refreshed on two issues in the Further Notice of Proposed Rulemaking: whether the Commission should provide a limited expansion of license eligibility under part 74 of the rules applicable to low power auxiliary stations, and what steps the Commission should take to promote more efficient use of spectrum by wireless microphones.

Timetable:

Action	Date	FR Cite
NPRM	09/03/08	73 FR 51406
NPRM Comment Period End.	10/20/08	
R&O	01/22/10	75 FR 3622
FNPRM	01/22/10	75 FR 3682
FNPRM Comment Period End.	03/22/10	
Public Notice	10/05/12	
Second R&O	07/14/14	79 FR 40680
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: G. William Stafford, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0563, *Fax:* 202 418–3956, *Email: bill.stafford@fcc.gov*.

RIN: 3060–AJ21

508. Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHZ Band, and To Consolidate the 800 MHZ and 900 MHZ Business and Industrial/Land Transportation Pool Channels

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 332

Abstract: This action adopts rules that retain the current site-based licensing paradigm for the 900 MHz B/ILT ''white space''; adopts interference protection rules applicable to all licensees operating in the 900 MHz B/ILT spectrum; and lifts, on a rolling basis, the freeze placed on applications for new 900 MHz B/ILT licenses in September 2004—the lift being tied to the completion of rebanding in each 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) region.

Timetable:

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13143
NPRM Comment Period End.	06/12/05	70 FR 23080
Final Rule	12/16/08	73 FR 67794
Petition for Recon	03/12/09	74 FR 10739
Order on Recon	07/17/13	78 FR 42701
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joyce Jones, Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1327, *Email: joyce.jones@fcc.gov*.

RIN: 3060–AJ22

509. Amendment of Part 101 To Accommodate 30 MHZ Channels in the 6525–6875 MHZ Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHZ Band (WT Docket No. 04–114)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332 and 333

Abstract: The Commission seeks comments on modifying its rules to authorize channels with bandwidths of as much as 30 MHz in the 6525–6875 MHz band. We also propose to allow conditional authorization on additional channels in the 21.8–22.0 and 23.0–23.2 GHz bands.

Timetable:

Action	Date	FR Cite
NPRM	06/29/09	74 FR 36134
NPRM Comment Period End.	07/22/09	
R&O	06/11/10	75 FR 41767
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov*.

RIN: 3060–AJ28

510. In the Matter of Service Rules for the 698 to 746, 747 to 762, and 777 to 792 MHZ Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309

Abstract: This is one of several docketed proceedings involved in the establishment of rules governing wireless licenses in the 698–806 MHz band (the 700 MHz band). This spectrum is being vacated by television broadcasters in TV channels 52–69. It is being made available for wireless services, including public safety and commercial services, as a result of the digital television (DTV) transition. This docket has to do with service rules for the commercial services, and is known as the 700 MHz Commercial Services proceeding.

Timetable:

Action	Date	FR Cite
NPRM	08/03/06	71 FR 48506
NPRM	09/20/06	
FNPRM	05/02/07	72 FR 24238
FNPRM Comment Period End.	05/23/07	
R&O	07/31/07	72 FR 48814
Order on Recon	09/24/07	72 FR 56015
Second FNPRM	05/14/08	73 FR 29582
Second FNPRM Comment Period End.	06/20/08	
Third FNPRM	09/05/08	73 FR 57750
Third FNPRM Comment Period End.	11/03/08	
Second R&O	02/20/09	74 FR 8868
Final Rule	03/04/09	74 FR 8868
Order on Recon	03/01/13	78 FR 19424
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul D'Ari, Spectrum and Competition Policy Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1550, *Fax:* 202 418–7447, *Email: paul.dari@fcc.gov*.

RIN: 3060–AJ35

511. National Environmental Act Compliance for Proposed Tower Registrations; In the Matter of Effects on Migratory Birds

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(q); 47 U.S.C. 303(r); 47 U.S.C. 309(g); 42 U.S.C. 4321 *et seq*.

Abstract: On April 14, 2009, American Bird Conservancy, Defenders of Wildlife, and National Audubon Society filed a Petition for Expedited Rulemaking and Other Relief. The petitioners request that the Commission

adopt on an expedited basis a variety of new rules which they assert are necessary to comply with environmental statutes and their implementing regulations. This proceeding addresses the Petition for Expedited Rulemaking and Other Relief.

Timetable:

Action	Date	FR Cite
NPRM	11/22/06	71 FR 67510
NPRM Comment Period End.	02/20/07	
New NPRM Comment Period End.	05/23/07	
Order on Remand	01/26/12	77 FR 3935
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Steinberg, Deputy Chief, Spectrum and Competition Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0896, *Email: jeffrey.steinberg@fcc.gov*.

RIN: 3060–AJ36

512. Amendment of Part 90 of the Commission's Rules

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303

Abstract: This proceeding considers rule changes impacting miscellaneous part 90 Private Land Mobile Radio rules.

Timetable:

Action	Date	FR Cite
NPRM	06/13/07	72 FR 32582
FNPRM	04/14/10	75 FR 19340
Order on Recon	05/27/10	75 FR 29677
5th R&O	05/16/13	78 FR 28749
Petition for Reconsideration.	07/23/13	78 FR 44091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney P Conway, Engineer, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2904, *Fax:* 202 418–1944, *Email: rodney.conway@fcc.gov*.

RIN: 3060–AJ37

513. Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 157; 47 U.S.C. 160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
R&O	09/27/11	76 FR 59559
FNPRM	09/27/11	76 FR 59614
FNPRM Comment Period End.	10/25/11	
R&O	09/05/12	77 FR 54421
FNPRM	09/05/12	77 FR 54511
FNPRM Comment Period End.	10/22/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov*.

RIN: 3060–AJ47

514. 2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures

Legal Authority: 47 U.S.C. 154(i)–(j) and 161; 47 U.S.C. 303(q)

Abstract: In this NPRM, in WT Docket No. 10–88, the Commission seeks comment on revisions to part 17 of the Commission's rules governing construction, marking, and lighting of antenna structures. The Commission initiated this proceeding to update and modernize the part 17 rules. These proposed revisions are intended to improve compliance with these rules and allow the Commission to enforce them more effectively, helping to better ensure the safety of pilots and aircraft passengers nationwide. The proposed revisions would also remove outdated and burdensome requirements without compromising the Commission's statutory responsibility to prevent antenna structures from being hazards or menaces to air navigation.

Timetable:

Action	Date	FR Cite
NPRM	05/21/10	75 FR 28517
NPRM Comment Period End.	07/20/10	
NPRM Reply Comment Period End.	08/19/10	
R&O (release date).	08/08/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dan Abeyta, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1538, *Email: dan.abeyta@fcc.gov*.

RIN: 3060–AJ50

515. Universal Service Reform Mobility Fund (WT Docket No. 10–208)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding establishes the Mobility Fund which provides an initial infusion of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Mackoul, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0660.

RIN: 3060–AJ58

516. Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHZ and 1626.5–1660.5 MHZ, 1610–1626.5 MHZ and 2483.5–2500 MHZ, and 2000–2020 MHZ and 2180–2200 MHZ

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 303 and 310

Abstract: The Commission proposes steps to make additional spectrum available for new investment in mobile broadband networks while ensuring that the United States maintains robust mobile satellite service capabilities. Mobile broadband is emerging as one of America's most dynamic innovation and economic platforms. Yet tremendous demand growth will soon test the limits of spectrum availability. 90 megahertz of spectrum allocated to the Mobile Satellite Service (MSS)—in the 2 GHz band, Big LEO band, and L-band—are potentially available for terrestrial mobile broadband use. The Commission seeks to remove regulatory barriers to terrestrial use, and to promote additional investments, such as those recently made possible by a transaction between Harbinger Capital Partners and SkyTerra Communications, while retaining sufficient market wide MSS capability. The Commission proposes to add co-primary Fixed and Mobile allocations to the 2 GHz band, consistent with the International Table of Allocations. This allocation modification is a precondition for more flexible licensing of terrestrial services within the band. Second, the Commission proposes to apply the Commission's secondary market policies and rules applicable to terrestrial services to all transactions involving the use of MSS bands for terrestrial services in order to create greater predictability and regulatory parity with bands licensed for terrestrial mobile broadband service. The Commission also requests comment on further steps we can take to increase the value, utilization, innovation, and investment in MSS spectrum generally.

Timetable:

Action	Date	FR Cite
NPRM	07/15/10	75 FR 49871
NPRM Comment Period End.	09/30/10	
R&O	04/06/11	76 FR 31252
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blaise Scinto, Chief, Broadband Div., WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. *Phone:* 202 418–1380, *Email: blaise.scinto@fcc.gov.*

RIN: 3060–AJ59

517. Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHZ Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308

Abstract: This proceeding was initiated to allow EA-based 800 MHz SMR licensees in 813.5–824/858.5–869 MHz to exceed the channel spacing and bandwidth limitation in section 90.209 of the Commission's rules, subject to conditions.

Timetable:

Action	Date	FR Cite
NPRM	03/29/12	77 FR 18991
NPRM Comment Period End.	04/13/12	
R&O	05/24/12	77 FR 33972
Petition for Recon Public Notice.	08/16/12	77 FR 53163
Petition for Recon PN Comment Period End.	09/27/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Luis Zambrano, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7925, *Email: luis.zambrano@fcc.gov.*

RIN: 3060–AJ71

518. Service Rules for Advanced Wireless Services in the 2000–2020 MHZ and 2180–2200 MHZ Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153; 47 U.S.C. 154(i); 47 U.S.C. 227; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332; 47 U.S.C. 333

Abstract: In the Report and Order, the Commission increased the Nation's supply of spectrum for mobile broadband by removing unnecessary barriers to flexible use of spectrum currently assigned to the Mobile Satellite Service (MSS) in the 2 GHz band. This action carries out a recommendation in the National Broadband Plan that the Commission enable the provision of stand-alone terrestrial services in this spectrum. We do so by adopting service, technical, assignment, and licensing rules for this spectrum. These rules are designed to provide for flexible use of this spectrum, to encourage innovation and investment in mobile broadband, and to provide a stable regulatory environment in which broadband deployment could develop.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End.	04/17/12	
NPRM	04/17/12	77 FR 22720
R&O	05/05/13	78 FR 8229
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Div. Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ73

519. Promoting Interoperability in the 700 MHZ Commercial Spectrum; Requests for Waiver and Extension of Lower 700 MHZ Band Interim Construction Benchmark Deadlines (WT Docket Nos. 12–69 & 12–332)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303(b); 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307(a); 47 U.S.C. 309(j)(3); 47 U.S.C. 316(a)(1); 47 CFR 1.401 *et seq.*

Abstract: In the Report and Order, the Commission took steps to implement an industry solution to provide interoperable Long Term Evolution (LTE) service in the lower 700 MHz band in an efficient and effective manner to improve choice and quality for consumers of mobile services.

Timetable:

Action	Date	FR Cite
NPRM	04/02/12	77 FR 19575
NPRM Comment Period End.	06/01/12	
R&O and Order of Proposed Modification.	11/05/13	78 FR 66298
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Salhus, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2823, *Email: jsalhus@fcc.gov.*

RIN: 3060–AJ78

520. Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHZ and 1995–2000 MHZ Bands (WT Docket No. 12–357)

Legal Authority: 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310

Abstract: The Commission proposes rules for the Advanced Wireless Services (AWS) H Block that would make available 10 megahertz of flexible use. The proposal would extend the widely deployed Personal Communications Services (PCS) band, which is used by the four national providers as well as regional and rural providers to offer mobile service across the nation. The additional spectrum for mobile use will help ensure that the speed, capacity, and ubiquity of the Nation's wireless networks keeps pace with the skyrocketing demand for mobile services.

Today's action is a first step in implementing the Congressional directive in the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) that we grant new initial licenses for the 1915–1920 MHz and 1995–2000 MHz bands (the Lower H Block and Upper H Block, respectively) through a system of competitive bidding—unless doing so would cause harmful interference to commercial mobile service licenses in the 1930–1985 MHz (PCS downlink) band. The potential for harmful interference to the PCS downlink band relates only to the Lower H Block transmissions, and may be addressed by appropriate technical rules, including reduced power limits on H Block devices. We, therefore, propose to pair and license the Lower H Block and the Upper H Block for flexible use, including mobile broadband, with an aim to assign the licenses through competitive bidding in 2013. In the event that we conclude that the Lower H Block cannot be used without causing harmful interference to PCS, we propose to license the Upper H Block for full power, and seek comment on appropriate use for the Lower H Block, including Unlicensed PCS.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1166
NPRM Comment Period End.	03/06/13	
R&O	08/16/13	78 FR 50213
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Div. Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov*.

RIN: 3060–AJ86

521. Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters, and creates two classes of signal boosters—Consumer and Industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Petition for Recon	06/06/13	78 FR 34015
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amanda Huetinck, Attorney–Advisor, WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7090, *Email: amanda.huetinck@fcc.gov*.

RIN: 3060–AJ87

522. Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42)

Legal Authority: 48 Stat 1066, 1082 as amended; 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e); 47 U.S.C. 151 to 156; 47 U.S.C. 301

Abstract: This action amends part 87 rules to authorize new ground station technologies to promote safety and allow use of frequency 1090 MHz by aeronautical utility mobile stations for airport surface detection equipment commonly referred to as ''squitters,'' to help reduce collisions between aircraft and airport ground vehicles.

Timetable:

Action	Date	FR Cite
NPRM	04/28/10	75 FR 22352
R&O	03/01/13	78 FR 61023
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov*.

RIN: 3060–AJ88

523. Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 332(a)2

Abstract: This action amends parts 0, 1, 13, 80, and 87 of the Commission's rules concerning commercial radio operator licenses for maritime and aviation radio stations in order to reduce administrative burdens on the telecom industry.

Timetable:

Action	Date	FR Cite
NPRM	10/29/10	75 FR 66709
R&O	05/29/13	78 FR 32165
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stanislava Kimball, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1306, *Email: stanislava.kimball@fcc.gov*.

RIN: 3060–AJ91

524. Radiolocation Operations in the 78–81 GHZ Band; WT Docket No. 11–202

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: We amend our rules to permit the certification, licensing, and use of foreign object debris (FOD) detection radar equipment in the 78–81 GHz band. The presence of FOD on airport runways, taxiways, aprons, and ramps poses a significant threat to the safety of air travel. FOD detection radar equipment will be authorized on a licensed basis under part 90 of our rules. Authorization of other potential radiolocation uses of the 78–81 GHz band will be considered in other proceedings.

Timetable:

Action	Date	FR Cite
NPRM	01/11/12	77 FR 1661
R&O	07/26/13	78 FR 45072
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov*.

RIN: 3060–AK04

525. Amendment of Part 90 of the Commission's Rules To Permit Terrestrial Trunked Radio (Tetra) Technology; WT Docket No. 11–6

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 161; 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 332(c)(7)

Abstract: We modify our rules to permit the certification and use of Terrestrial Trunked Radio (TETRA) equipment under part 90 of our rules. TETRA is a spectrally efficient digital technology with the potential to provide valuable benefits to land mobile radio users, such as higher security and lower latency than comparable technologies. It does not, however, conform to all of our current part 90 technical rules. In the Notice of Proposed Rule Making and Order (NPRM) in this proceeding, the Commission proposed to amend part 90 to accommodate TETRA technology. We conclude that modifying the part 90 rules to permit the certification and use of TETRA equipment in two bands—the 450–470 MHz portion of the UHF band (421–512 MHz) and Business/Industrial Land Transportation 800 MHz band channels (809–824/854–869 MHz) that are not in the National Public Safety Planning Advisory Committee (NPSPAC) portion of the band–will give private land mobile radio (PLMR) licensees additional equipment alternatives without increasing the potential for interference or other adverse effects on other licensees.

Timetable:

Action	Date	FR Cite
NPRM	05/11/11	76 FR 27296
R&O	10/10/12	77 FR 61535
Order on Recon	08/09/13	78 FR 48627
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov*.

RIN: 3060–AK05

526. Promoting Technological Solutions To Combat Wireless Contraband Device Use in Correctional Facilities

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 332

Abstract: In this proceeding, the Commission proposes rules to encourage development of multiple technological solutions to combat the use of contraband wireless devices in correctional facilities nationwide. The Commission proposes to streamline rules governing lease agreement modifications between wireless providers and managed access system operators. It also proposes to require wireless providers to terminate service to a contraband wireless device.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Conway, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2887, *Email: melissa.conway@fcc.gov*.

RIN: 3060–AK06

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Completed Actions

527. Service Rules for Advanced Wireless Services in the 1915 to 1920 MHZ, 1995 to 2000 MHZ, 2020 to 2025 MHZ and 2175 to 2180 MHZ Bands

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301; . . .

Abstract: This proceeding explores the possible uses of the 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz, and 2175–2180 MHz bands (collectively AWS–2) to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks. The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–2 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services. Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed rules for the 1915–1920 MHz and 1995–2000 MHz bands. In addition, the Commission proposed to add 5 megahertz of spectrum (2175–80 MHz band) to the 2155–2175 MHz band, and would require the licensee of the 2155–2180 MHz band to provide—using up to 25 percent of its wireless network capacity—free, 2-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/02/04	69 FR 63489
NPRM Comment Period End.	01/24/05	
FNPRM	06/25/08	73 FR 35995

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Div. Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7235, *Email: peter.daronco@fcc.gov*.

RIN: 3060–AJ20

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Proposed Rule Stage

528. • Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219; 47 U.S.C. 220

Abstract: The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the

compliance burdens on incumbent local exchange carriers while ensuring that the agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

Timetable:

Action	Date	FR Cite
NPRM	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robin Cohn, Attorney–Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2747, *Email: robin.cohn@fcc.gov.*

RIN: 3060–AK20

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

529. Implementation of the Universal Service Portions of the 1996 Telecommunications Act

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services—such as high-speed Internet—for all consumers at just, reasonable, and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low incomes. Additional principles called for increased access to high-speed Internet in the nation's schools, libraries, and rural health care facilities. The FCC established four programs within the Universal Service Fund to implement the statute. The four programs are: Connect America Fund (formally known as High-Cost Support) for rural areas, Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans Schools and Libraries (E-rate), Rural Health Care,The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over Internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC. On July 26, 2012, the Commission released a Public Notice seeking comments on a proposed survey of urban rates for fixed voice and fixed broadband residential services. On September 12, 2012, the Commission released a Public Notice seeking comments on the 2013 Modification of Average Schedule high-cost loop support formula proposed by NECA. On November 16, 2012, the Commission released a fifth Order on Reconsideration clarifying certain aspects of the USF/ICC Transformation Order regarding financial reporting obligations and requests for waivers in response to various petitions for reconsideration and/or clarification. On November 19, 2012, the Commission released a Further Notice of Proposed Rulemaking seeking comment on two alternative approaches to advancing broadband objectives in price cap territories, using the remaining 2012 Connect America Phase I funding. On November 23, 2012, the Commission released a public notice seeking comments on proposed revisions to the annual Telecommunications Reporting Worksheet, FCC Forms 499A–Q and their accompanying instructions. On December 13, 2012, the Commission released an Order approving NECA's 2013 proposing modifications to the formula used to calculate interstate USF High-Cost Loop Support for Average Schedule Companies. On December 21, 2012, the Commission released a Report and Order launching the Healthcare Connect Fund to expand health care provider access to broadband and foster state and regional broadband health care networks, and creates a Skilled Nursing Facility Pilot Program. On January 2, 2013, the Commission released a Public Notice announcing the comment cycle regarding modifications to Connect America Phase I Further Notice of Proposed Rulemaking. On January 17, 2013, the Commission released a Public Notice seeking further comment on issues related to the implementation of the Remote Areas Fund. On January 30, 2013, the Commission released a Public Notice announcing the high-cost loop support benchmarks to be used by NECA for 2013. On February 8, 2013, the Commission released a Public Notice seeking to further develop the record on issues relating to Connect America Phase II support for price cap carriers serving areas outside of the contiguous United States. On February 12, 2013, the Commission released a Public Notice seeking updates and corrections to TelcoMaster table for the Connect America Cost Model. On February 26, 2013, the Commission released a Public Notice seeking comments on issues related to the service obligations for support recipients and unsubsidized competitors in Phase II of Connect America. On February 27, 2013, the Commission released a Sixth Order on Reconsideration and Memorandum Opinion and Order addressing several issues related to the benchmarking rule and other changes made to high-cost universal service support for rate-of-return carriers in the USF/ICC Transformation Order. On March 26, 2013, the Commission released a Public Notice announcing updated 2013 high-cost loop support benchmarks, accounting for the changes adopted in the Sixth Order on Reconsideration, and making minor corrections to the input variables. On April 15, 2013, the Commission released a Memorandum Opinion and Order granting limited forbearance to Lifeline-only eligible telecommunications carrier from requirements of the Communications Act and the Commission's rules. On April 22, 2013, the Commission released a Report and Order adopting platform, addressing the design of the network and network engineering for Connect America Cost Model to estimate forward-looking costs of Connect America Phase II deployment. On May 16, 2013, the Commission released a Report and Order announcing the parameters for the Connect America

Phase II. On May 22, 2013, the Commission released a Report and Order providing for a second round of Connect America Phase I incremental funding in 2013 to further leverage private investment in rural America and accelerate the availability of broadband to consumers who lack access. On May 23, 2013, the Commission released a Public Notice providing guidance regarding the 2013 Lifeline recertification process. On June 7, 2013, the Commission released a Public Notice announcing the availability of version 3.1.3 of the Connect America Cost Model (CAM). On June 17, 2013, the Commission announced the release of illustrative model outputs from running the Connect America Cost Model version 3.1.3 and of model methodology documentation. On June 25, 2013, the Commission released an Order codifying the Commission's requirement that eligible telecommunications carriers verify a Lifeline subscriber's eligibility for Lifeline service before activating such service. On July 16, 2013, the Commission released an Order on Reconsideration requiring carriers to report updates to planned Phase I deployments and provide a limited waiver of the deadline for carriers to accept second round Phase I support. On July 23, 2013, the Commission released a Notice of Proposed Rulemaking initiating a review and update of the E-rate program to focus on 21st-century broadband needs of schools and libraries. On July 26, 2013, the Commission released an Order adopting several measures to provide greater clarity regarding universal service high-cost support amounts that the rate-of-return carriers will receive in 2014. On August 29, 2013, the Commission released a Public Notice announcing availability of version 3.2 of the CAM (including illustrative results), and seeks comment on certain adjustments to reflect the unique circumstances and operating conditions in the non-contiguous areas of the United States. On October 31, 2013, the Commission released an Order specifying service obligations of price cap carriers that accept Connect America Phase II model-based support through the State-level commitment process, and addressed how to determine what areas are considered as served by an unsubsidized competitor. On December 2, 2013, the Commission released a Public Notice announcing Availability of Version 4.0 of the Connect America Fund Phase II Cost Model.

Timetable:

Action	Date	FR Cite
Recommended Decision Federal-State Joint Board, Universal Service.	11/08/96	61 FR 63778
First R&O	05/08/97	62 FR 32862
Second R&O	05/08/97	62 FR 32862
Order on Recon	07/10/97	62 FR 40742
R&O and Second Order on Recon.	07/18/97	62 FR 41294
Second R&O, and FNPRM.	08/15/97	62 FR 47404
Third R&O	10/14/97	62 FR 56118
Second Order on Recon.	11/26/97	62 FR 65036
Fourth Order on Recon.	12/30/97	62 FR 2093
Fifth Order on Recon.	06/22/98	63 FR 43088
Fifth R&O	10/28/98	63 FR 63993
Eighth Order on Recon.	11/21/98	
Second Recommended Decision.	11/25/98	63 FR 67837
Thirteenth Order on Recon.	06/09/99	64 FR 30917
FNPRM	06/14/99	64 FR 31780
FNPRM	09/30/99	64 FR 52738
Fourteenth Order on Recon.	11/16/99	64 FR 62120
Fifteenth Order on Recon.	11/30/99	64 FR 66778
Tenth R&O	12/01/99	64 FR 67372
Ninth R&O and Eighteenth Order on Recon.	12/01/99	64 FR 67416
Nineteenth Order on Recon.	12/30/99	64 FR 73427
Twentieth Order on Recon.	05/08/00	65 FR 26513
Public Notice	07/18/00	65 FR 44507
Twelfth R&O, MO&O and FNPRM.	08/04/00	65 FR 47883
FNPRM and Order.	11/09/00	65 FR 67322
FNPRM	01/26/01	66 FR 7867
R&O and Order on Recon.	03/14/01	66 FR 16144
NPRM	05/08/01	66 FR 28718
Order	05/22/01	66 FR 35107
Fourteenth R&O and FNPRM.	05/23/01	66 FR 30080
FNPRM and Order.	01/25/02	67 FR 7327
NPRM	02/15/02	67 FR 9232
NPRM and Order	02/15/02	67 FR 10846
FNPRM and R&O	02/26/02	67 FR 11254
NPRM	04/19/02	67 FR 34653
Order and Second FNPRM.	12/13/02	67 FR 79543
NPRM	02/25/03	68 FR 12020
Public Notice	02/26/03	68 FR 10724
Second R&O and FNPRM.	06/20/03	68 FR 36961
Twenty-Fifth Order on Recon, R&O, Order, and FNPRM.	07/16/03	68 FR 41996
NPRM	07/17/03	68 FR 42333
Order	07/24/03	68 FR 47453
Order	08/06/03	68 FR 46500
Order and Order on Recon.	08/19/03	68 FR 49707
Order on Remand, MO&O, FNPRM.	10/27/03	68 FR 69641
R&O, Order on Recon, FNPRM.	11/17/03	68 FR 74492
R&O, FNPRM	02/26/04	69 FR 13794
R&O, FNPRM	04/29/04	
NPRM	05/14/04	69 FR 3130
NPRM	06/08/04	69 FR 40839
Order	06/28/04	69 FR 48232
Order on Recon & Fourth R&O.	07/30/04	69 FR 55983
Fifth R&O and Order.	08/13/04	69 FR 55097
Order	08/26/04	69 FR 57289
Second FNPRM	09/16/04	69 FR 61334
Order & Order on Recon.	01/10/05	70 FR 10057
Sixth R&O	03/14/05	70 FR 19321
R&O	03/17/05	70 FR 29960
MO&O	03/30/05	70 FR 21779
NPRM & FNPRM	06/14/05	70 FR 41658
Order	10/14/05	70 FR 65850
Order	10/27/05	
NPRM	01/11/06	71 FR 1721
Report Number 2747.	01/12/06	71 FR 2042
Order	02/08/06	71 FR 6485
FNPRM	03/15/06	71 FR 13393
R&O and NPRM	07/10/06	71 FR 38781
Order	01/01/06	71 FR 6485
Order	05/16/06	71 FR 30298
MO&O and FNPRM.	05/16/06	71 FR 29843
R&O	06/27/06	71 FR 38781
Public Notice	08/11/06	71 FR 50420
Order	09/29/06	71 FR 65517
Public Notice	03/12/07	72 FR 36706
Public Notice	03/13/07	72 FR 40816
Public Notice	03/16/07	72 FR 39421
Notice of Inquiry	04/16/07	
NPRM	05/14/07	72 FR 28936
Recommended Decision.	11/20/07	
Order	02/14/08	73 FR 8670
NPRM	03/04/08	73 FR 11580
NPRM	03/04/08	73 FR 11591
R&O	05/05/08	73 FR 11837
Public Notice	07/02/08	73 FR 37882
NPRM	08/19/08	73 FR 48352
Notice of Inquiry	10/14/08	73 FR 60689
Order on Remand, R&O, FNPRM.	11/12/08	73 FR 66821
R&O	05/22/09	74 FR 2395
Order & NPRM	03/24/10	75 FR 10199
R&O and MO&O	04/08/10	75 FR 17872
NOI and NPRM	05/13/10	75 FR 26906
Order and NPRM	05/28/10	75 FR 30024
NPRM	06/09/10	75 FR 32699
NPRM	08/09/10	75 FR 48236
NPRM	09/21/10	75 FR 56494
R&O	12/03/10	75 FR 75393
Order	01/27/11	76 FR 4827
NPRM	03/02/11	76 FR 11407
NPRM	03/02/11	76 FR 11632
NPRM	03/23/11	76 FR 16482
Order and NPRM	06/27/11	76 FR 37307
R&O	12/28/11	76 FR 81562
Order	03/09/12	77 FR 14297
R&O	03/30/12	77 FR 19125
Order	05/23/12	77 FR 30411

Action	Date	FR Cite
3rd Order on Recon.	05/24/12	77 FR 30904
Public Notice	05/31/12	77 FR 32113
FNPRM	06/07/12	77 FR 33896
Public Notice	07/26/12	77 FR 43773
Order	08/30/12	77 FR 52616
Public Notice	02/28/12	77 FR 76345
Public Notice	08/29/12	77 FR 52279
Public Notice	12/12/12	77 FR 74010
5th Order on Recon.	01/17/13	78 FR 3837
Public Notice	02/07/13	78 FR 9020
Public Notice	02/21/13	78 FR 12006
Public Notice	02/22/13	78 FR 12269
Public Notice	03/15/13	78 FR 16456
6th Order on Recon and MO&O.	03/19/13	78 FR 16808
MO&O	05/08/13	78 FR 26705
R&O	05/06/13	78 FR 26269
R&O	06/03/13	78 FR 32991
Public Notice	06/13/13	78 FR 35632
R&O	06/26/13	78 FR 38227
Order on Recon	08/08/13	78 FR 48622
Order	03/01/13	78 FR 13935
Public Notice	12/19/13	78 FR 76789
Order	02/28/14	79 FR 11366
Public Notice	03/11/14	79 FR 13599
Public Notice	03/17/14	79 FR 17070
Public Notice	04/18/14	79 FR 21924
R&O	05/21/14	79 FR 29111
Order	05/23/14	79 FR 33705
FNPRM	07/09/14	79 FR 39163
R&O	07/31/14	79 FR 44352
R&O	08/19/14	79 FR 49160
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nakesha Woodward, Program Support Assistant, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. Phone: 202 418–1502. *Email: kesha.woodward@fcc.gov.*

RIN: 3060–AF85

530. 2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements

Legal Authority: 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 303(r); 47 U.S.C. 403

Abstract: The NPRM proposed to eliminate our current service quality reports (ARMIS Report 43–05 and 43–06) and replace them with a more consumer-oriented report. The NPRM proposed to reduce the reporting categories from more than 30 to 6, and addressed the needs of carriers, consumers, State public utility commissions, and other interested parties.

On February 15, 2005, the Commission adopted an Order that extended the Federal-State Joint Conference on Accounting Issues until March 1, 2007.

On September 6, 2008, the Commission adopted an MO&O granting conditional forbearance from the Armis 43–05 and 43–06 reporting requirements to all carriers that are required to file these reports.

Timetable:

Action	Date	FR Cite
NPRM	12/04/00	65 FR 75657
Order	02/06/02	67 FR 5670
Order	03/22/05	70 FR 14466
MO&O	10/15/08	73 FR 60997
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:* 202 418–6768, *Email: cathy.zima@fcc.gov.*

RIN: 3060–AH72

531. Access Charge Reform and Universal Service Reform

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201 to 205; 47 U.S.C. 254; 47 U.S.C. 403

Abstract: On October 11, 2001, the Commission adopted an Order reforming the interstate access charge and universal service support system for rate-of-return incumbent carriers. The Order adopts three principal reforms. First, the Order modifies the interstate access rate structure for small carriers to align it more closely with the manner in which costs are incurred. Second, the Order removes implicit support for universal service from the rate structure and replaces it with explicit, portable support. Third, the Order permits small carriers to continue to set rates based on the authorized rate of return of 11.25 percent. The Order became effective on January 1, 2002, and the support mechanism established by the Order was implemented beginning July 1, 2002.

The Commission also adopted a Further Notice of Proposed Rulemaking (FNPRM) seeking additional comment on proposals for incentive regulation, increased pricing flexibility for rate-of-return carriers, and proposed changes to the Commission's ''all-or-nothing'' rule. Comments on the FNPRM were due on February 14, 2002, and reply comments on March 18, 2002.

On February 12, 2004, the Commission adopted a Second Report and Order resolving several issues on which the Commission sought comment in the FNPRM. First, the Commission modified the ''all-or-nothing'' rule to permit rate-of-return carriers to bring recently acquired price cap lines back to rate-of-return regulation. Second, the Commission granted rate-of-return carriers the authority immediately to provide geographically deaveraged transport and special access rates, subject to certain limitations. Third, the Commission merged Long Term Support (LTS) with Interstate Common Line Support (ICLS). The Commission also adopted a Second FNPRM seeking comment on two specific plans that propose establishing optional alternative regulation mechanisms for rate-of-return carriers. In conjunction with the consideration of those alternative regulation proposals, the Commission sought comment on modification that would permit a rate-of-return carrier to adopt an alternative regulation plan for some study areas, while retaining rate-of-return regulation for other of its study areas. Comments on the Second FNPRM were due on April 23, 2004, and May 10, 2004.

Timetable:

Action	Date	FR Cite
NPRM	01/25/01	66 FR 7725
NPRM Comment Period End.	02/26/01	
FNPRM	11/30/01	66 FR 59761
FNPRM Comment Period End.	12/31/01	
R&O	11/30/01	66 FR 59719
Second FNPRM	03/23/04	69 FR 13794
Second FNPRM Comment Period End.	04/23/04	
Order	05/06/04	69 FR 25325
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov.*

RIN: 3060–AH74

532. National Exchange Carrier Association Petition

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 201 and 202; . . .

Abstract: In a Notice of Proposed Rulemaking (NPRM) released on July 19, 2004, the Commission initiated a rulemaking proceeding to examine the proper number of end user common line charges (commonly referred to as subscriber line charges or SLCs) that carriers may assess upon customers that obtain derived channel T–1 service where the customer provides the

terminating channelization equipment and upon customers that obtain Primary Rate Interface (PRI) Integrated Service Digital Network (ISDN) service.

Timetable:

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50141
NPRM Comment Period End.	11/12/04	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov*.

RIN: 3060–AI47

533. IP-Enabled Services; WC Docket No. 04–36

Legal Authority: 47 U.S.C. 151 and 152; . . .

Abstract: The notice seeks comment on ways in which the Commission might categorize or regulate IP-enabled services. It poses questions regarding the proper allocation of jurisdiction over each category of IP-enabled service. The notice then requests comment on whether the services comprising each category constitute ''telecommunications services'' or ''information services'' under the definitions set forth in the Act. Finally, noting the Commission's statutory forbearance authority and title I ancillary jurisdiction, the notice describes a number of central regulatory requirements (including, for example, those relating to access charges, universal service, E911, and disability accessibility), and asks which, if any, should apply to each category of IP-enabled services.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment Period End.	07/14/04	
First R&O	06/03/05	70 FR 37273
Public Notice	06/16/05	70 FR 37403
First R&O Effective.	07/29/05	70 FR 43323
Public Notice	08/31/05	70 FR 51815
R&O	07/10/06	71 FR 38781
R&O and FNPRM	06/08/07	72 FR 31948
FNPRM Comment Period End.	07/09/07	72 FR 31782
R&O	08/06/07	72 FR 43546
Public Notice	08/07/07	72 FR 44136
R&O	08/16/07	72 FR 45908
Public Notice	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Public Notice	12/13/07	72 FR 70808
Public Notice	12/20/07	72 FR 72358
R&O	02/21/08	73 FR 9463
NPRM	02/21/08	73 FR 9507
Order	05/15/08	73 FR 28057
Order	07/29/09	74 FR 37624
R&O	08/07/09	74 FR 39551
Public Notice	10/14/09	74 FR 52808
Announcement of Effective Date.	03/19/10	75 FR 13235
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM, Order, & NOI.	06/19/13	78 FR 36679
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AI48

534. Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07–135)

Legal Authority: Not Yet Determined

Abstract: The Federal Communications Commission (Commission) is examining whether its existing rules governing the setting of tariffed rates by local exchange carriers (LECs) provide incentives and opportunities for carriers to increase access demand endogenously with the result that the tariff rates are no longer just and reasonable. The Commission tentatively concluded that it must revise its tariff rules so that it can be confident that tariffed rates remain just and reasonable even if a carrier experiences or induces significant increases in access demand. The Commission sought comment on the types of activities that caused increases in interstate access demand and the effects of such demand increases on the cost structures of LECs. The Commission also sought comment on several means of ensuring just and reasonable rates going forward. The NPRM invited comment on potential traffic stimulation by rate-of-return LECs, price cap LECs, and competitive LECs, as well as other forms of intercarrier traffic stimulation. Comments were received on December 17, 2007, and reply comments were received on January 16, 2008. On February 8, 2011, the Commission adopted a Further Notice of Proposed Rulemaking seeking comment on proposed rule revisions to address access stimulation. The Commission sought comment on a proposal to require rate-of-return LECs and competitive LECs to file revised tariffs if they enter into or have existing revenue sharing agreements. The proposed tariff filing requirements vary depending on the type of LEC involved. The Commission also sought comment on other record proposals and on possible rules for addressing access stimulation in the context of intra-MTA call terminations by CMRS providers. Comments were filed on April 1, 2011, and reply comments were filed on April 18, 2011. In the USF/ICC Transformation Order, we defined access stimulation. The access stimulation definition we adopted has two conditions: (1) A revenue sharing condition; and (2) an additional traffic volume condition, which is met where the LEC either; (a) has a three-to-one interstate terminating-to-originating traffic ratio in a calendar month; or (b) has had more than a 100 percent growth in interstate originating and/or terminating switched access minutes of use in a month compared to the same month in the preceding year. If both conditions are satisfied, the LEC generally must file revised tariffs to account for its increased traffic.

Timetable:

Action	Date	FR Cite
NPRM	11/15/07	72 FR 64179
NPRM Comment Period End.	12/17/07	
FNPRM	03/02/11	76 FR 11632
R&O and FNPRM	12/08/11	76 FR 76623
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov*.

RIN: 3060–AJ02

535. Jurisdictional Separations

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes,

technological changes, and market changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of 5 years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of 3 years and sought comment on comprehensive reform. In 2009, the Commission adopted a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission adopted a Report and Order extending the separations freeze for an additional 2 years to June 2014. In 2014, the Commission adopted a Report and Order extending the separations freeze for an additional 3 years to June 2017.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
R&O	05/23/12	77 FR 30410
R&O	06/13/14	79 FR 36232
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Hunter, Attorney–Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1520, *Email: john.hunter@fcc.gov*

RIN: 3060–AJ06

536. Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21)

Legal Authority: 47 U.S.C. 151 to 155; 47 U.S.C. 160 and 161; 47 U.S.C. 20 to 205; 47 U.S.C. 215; 47 U.S.C. 218 to 220; 47 U.S.C. 251 to 271; 47 U.S.C. 303(r) and 332; 47 U.S.C. 403; 47 U.S.C. 502 and 503

Abstract: This NPRM tentatively proposes to collect infrastructure and operating data that is tailored in scope to be consistent with Commission objectives from all facilities-based providers of broadband and telecommunications. Similarly, the NPRM also tentatively proposes to collect data concerning service quality and customer satisfaction from all facilities-based providers of broadband and telecommunications. The NPRM seeks comment on the proposals, on the specific information to be collected, and on the mechanisms for collecting information.

On June 27, 2013, the Commission adopted a Report and Order addressing collection of broadband deployment data from facilities-based providers.

Timetable:

Action	Date	FR Cite
NPRM	10/15/08	73 FR 60997
NPRM Comment Period End.	11/14/08	
Reply Comment Period End.	12/15/08	
NPRM	02/28/11	76 FR 12308
NPRM Comment Period End.	03/30/11	
Reply Comment Period End.	04/14/11	
R&O	08/13/13	78 FR 49126
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:*, 202 418–6768, *Email: cathy.zima@fcc.gov*.

RIN: 3060–AJ14

537. Form 477; Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The Report and Order streamlined and reformed the Commission's Form 477 Data Program, which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Order	06/27/13	78 FR 49126
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol Simpson, Deputy Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2391, *Fax:* 202 418–2816, *Email: carol.simpson@fcc.gov*.

RIN: 3060–AJ15

538. Preserving the Open Internet; Broadband Industry Practices

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201(b)

Abstract: In 2009, the FCC launched a public process to determine whether and what actions might be necessary to preserve the characteristics that have allowed the Internet to grow into an indispensable platform supporting our Nation's economy and civic life. After receiving input from more than 100,000 individuals and organizations and several public workshops, this process has made clear that the Internet has thrived because of its freedom and openness—the absence of any gatekeeper blocking lawful uses of the network or picking winners and losers online. The Open Internet Order builds on the bipartisan Internet Policy Statement the Commission adopted in 2005. The Order requires that all broadband providers are required to be transparent by disclosing their network management practices, performance, and commercial terms; fixed providers may not block lawful content, applications, services, or non-harmful devices; fixed providers may not unreasonably discriminate in transmitting lawful network traffic; mobile providers may not block access to lawful Web sites, or applications that compete with their voice or video telephony services; and all providers may engage in ''reasonable network management,'' such as managing the network to address congestion or

security issues. The rules do not prevent broadband providers from offering specialized services, such as facilities-based VoIP; do not prevent providers from blocking unlawful content or unlawful transfers of content; and do not supersede any obligation or authorization a provider may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities. In January of 2014, the DC Circuit in Verizon v. FCC struck down the no-blocking and no-discrimination rules contained in the 2010 Open Internet Order, for the second time invalidating the Commission's attempt to create legally enforceable standards to preserve the open internet. Consequently, the docket has been closed and a new one opened, WC Docket No. 14–28.

Timetable:

Action	Date	FR Cite
NPRM	11/30/09	74 FR 62638
NPRM Comment Period End.	04/26/10	
Public Notice	09/10/10	75 FR 55297
Comment Period End.	11/04/10	
Order	09/23/11	76 FR 59192
OMB Approval Notice.	09/21/11	76 FR 58512
Rules Effective	11/20/11	
Public Notice Petition for Recon.	11/14/11	76 FR 74721
Comment Period End.	12/27/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: R. Matthew Warner, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2419, *Email: matthew.warner@fcc.gov.*

RIN: 3060–AJ30

539. Local Number Portability Porting Interval and Validation Requirements (Wc Docket No. 07–244)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on what further steps, if any, the Commission should take to improve the process of changing providers.

In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney–Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov.*

RIN: 3060–AJ32

540. Electronic Tariff Filing System (WC Docket No. 10–141)

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 201 to 205; 47 U.S.C. 218 and 222; 47 U.S.C. 225 to 226; 47 U.S.C. 228 and 254; 47 U.S.C. 403

Abstract: Section 402(b)(1)(A)(iii) of the Telecommunications Act of 1996 added section 204(a)(3) to the Communications Act of 1934, as amended, providing for streamlined tariff filings by local exchange carriers. On September 6, 1996, in an effort to meet the goals of the 1996 Act, the Commission released the Tariff Streamlining NPRM, proposing measures to implement the tariff streamlining requirements of section 204(a)(3). Among other suggestions, the Commission proposed requiring LECs to file tariffs electronically. The Commission began implementing the electronic filing of tariffs on January 31, 1997, when it released the Streamlined Tariff Order. On November 17, 1997, the Bureau made this electronic system, known as the Electronic Tariff Filing System (EFTS), available for voluntary filing by incumbent LECs. The Bureau also announced that the use of ETFS would become mandatory for all incumbent LECs in 1998. On May 28, 1998, in the ETFS Order, the Bureau established July 1, 1998, as the date after which incumbent LECs would be required to use ETFS to file tariffs and associated documents. The Commission deferred consideration of establishing mandatory electronic filing for non-incumbent LECs until the conclusion of a proceeding considering the mandatory detariffing of interstate long distance services. On June 9, 2011, the Commission adopted rule revisions to require all tariff filers to file tariffs using ETFS. Carriers were given a 60-day window in order to make their initial filings on ETFS. On October 13, 2011, the Commission announced that all tariff filers should file their initial Base Document and/or Informational Tariff using the ETFS between November 17, 2011, and January 17, 2012. As of January 17, 2012, all carriers are required to use ETFS on a going-forward basis to file their tariff documents.

Timetable:

Action	Date	FR Cite
NPRM	08/11/10	75 FR 48629
NPRM Comment Period End.	09/10/10	
NPRM Reply Comment Period End.	09/27/10	
Report and Order	07/20/11	76 FR 43206
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Pamela Arluk, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1540, *Email: pamela.arluk@fcc.gov.*

RIN: 3060–AJ41

541. Implementation of Section 224 of the Act; a National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 224

Abstract: In 2010, the Commission released an Order and Further Notice of Proposed Rulemaking that implemented

certain pole attachment recommendations of the National Broadband Plan and sought comment with regard to others. On April 7, 2011, the Commission adopted a Report and Order and Order on Reconsideration that sets forth a comprehensive regulatory scheme for access to poles, and modifies existing rules for pole attachment rates and enforcement.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6879
FNPRM	07/15/10	75 FR 41338
Declaratory Ruling	08/03/10	75 FR 45494
R&O	05/09/11	76 FR 26620
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jonathan Reel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0637, *Email: jonathan.reel@fcc.gov*.

RIN: 3060–AJ64

542. Rural Call Completion; WC Docket No. 13–39

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 202(a); 47 U.S.C. 218; 47 U.S.C. 220(a); 47 U.S.C. 257(a); 47 U.S.C. 403

Abstract: The recordkeeping, retention, and reporting requirements in the Report and Order improve the Commission's ability to monitor problems with completing calls to rural areas, and enforce restrictions against blocking, choking, reducing, or restricting calls. The Further Notice of Proposed Rulemaking sought comment on additional measures intended to further ensure reasonable and nondiscriminatory service to rural areas. The Report and Order applies new recordkeeping, retention, and reporting requirements to providers of long-distance voice service that make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines which, in most cases, is the calling party's long-distance provider. Covered providers are required to file quarterly reports and retain the call detail records for at least six calendar months. Qualifying providers may certify that they meet a Safe Harbor which reduces their reporting and retention obligations, or seek a waiver of these rules from the Wireline Competition Bureau, in consultation with the Enforcement Bureau. The Report and Order also adopts a rule prohibiting all originating and intermediate providers from causing audible ringing to be sent to the caller before the terminating provider has signaled that the called party is being alerted.

Timetable:

Action	Date	FR Cite
NPRM	04/12/13	78 FR 21891
NPRM Comment Period End.	05/28/13	
R&O and FNPRM	12/17/13	78 FR 76218
PRA 60 Day Notice.	12/30/13	78 FR 79448
FNPRM Comment Period End.	02/18/14	
PRA Comments Due.	03/11/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jean Ann Collins, Senior Counsel, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2792, *Email: jeanann.collins@fcc.gov*.

RIN: 3060–AJ89

543. Rates for Inmate Calling Services; WC Docket No. 12–375

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 225; 47 U.S.C. 276; 47 U.S.C. 303(r); 47 CFR 64

Abstract: In the Report and Order portion of this document, the Federal Communications Commission adopts rule changes to bring high interstate inmate calling service (ICS) rates into compliance with the statutory mandate of being just, reasonable, and fair. In the Report and Order, the Commission requires that ICS rates be cost-based and concludes that site commission payments are not a cost of providing the ICS service. The Commission addresses ICS rates and adopts both interim safe harbor rates and per-minute interim interstate rate caps. The Commission requires that ancillary service charges be cost-based, and concludes that rates for the use of TTY equipment for the deaf and hard-of-hearing may not be any higher than rates for other ICS services. Finally, the Commission addresses collect-calling only requirements at correctional facilities, requires an annual certification filing, and initiates a mandatory data collection. In the Further Notice portion of the item, the Commission asks a number of questions about the future of ICS rate reform.

Timetable:

Action	Date	FR Cite
NPRM	01/22/13	78 FR 4369
FNPRM	11/13/13	78 FR 68005
R&O	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	
FNPRM Reply Comment Period End.	01/13/14	
Announcement of Effective Date.	06/20/14	79 FR 33709
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynne H Engledow, Asst. Division Chief, Pricing Policy Division, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1520, *Fax:* 202 418–1567, *Email: lynne.engledow@fcc.gov*.

RIN: 3060–AK08

544. • Protecting and Promoting the Open Internet; (WC Docket No. 14–28)

Legal Authority: 47 U.S.C. 151 ; 47 U.S.C. 151 ; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201(b)

Abstract: In January of 2014, the D.C. Circuit in Verizon v. FCC struck down the no-blocking and no-discrimination rules contained in the 2010 Open Internet Order, for the second time invalidating the Commission's attempt to create legally enforceable standards to preserve the open internet. As the Commission made clear in the 2010 Order, the Internet has thrived because of its freedom and opennessthe absence of any gatekeeper blocking lawful uses of the network or picking winners and losers online. However, following Verizon, no enforceable rules remained in place to prevent broadband service providers from engaging in anti-competitive behaviors, such as blocking consumer access to competing content or services. In response, on May 15, 2014, the Commission initiated this proceeding to determine, in light of the court's guidance in Verizon, the appropriate regulatory framework to protect and promote internet openness. The Commission proposed to retain the definitions and scope of the 2010 rules, adopting the text of the 2010 no-blocking rule under a revised rationale while enhancing the transparency rule that remained in place after Verizon. Additionally, the Commission proposed to add an additional layer of protection for conduct that would otherwise be permissible under the no-blocking rule, which would require that broadband service providers adhere to an enforceable legal standard of commercially reasonable practices. The Commission also sought comment on

the proper legal authority on which to base these rules.

Timetable:

Action	Date	FR Cite
NPRM	07/01/14	79 FR 37448
NPRM Comment Period End.	08/15/14	
NPRM Reply Comment Period End.	09/10/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zachary Ross, Law Clerk, Competiton Policy Div., WCB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1033, *Email: zachary.ross@fcc.gov*.

RIN: 3060–AK21

[FR Doc. 2014–28989 Filed 12–19–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part XXIII

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period November 1, 2014, through April 30, 2015. The next agenda will be published in spring 2015.

DATES: Comments about the form or content of the agenda may be submitted anytime during the next six months.

ADDRESSES: Comments should be addressed to Robert deV. Frierson, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its fall 2014 agenda as part of the Fall 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following Web site: *www.reginfo.gov.* Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into four sections. The first, Pre-rule Stage, reports on matters the Board is considering for future rulemaking. The second section, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next six months. The third section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. And a fourth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

FEDERAL RESERVE SYSTEM—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
545	Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)	7100–AD68

FEDERAL RESERVE SYSTEM—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
546	Regulation HH—Financial Market Utilities (Docket No: R–1477)	7100–AE09
547	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80
548	Regulation WW—Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitoring (Docket No: R–1466).	7100–AE03

FEDERAL RESERVE SYSTEM—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
549	Regulation KK—Margin and Capital Requirements for Covered Swap Entities (Docket No: R–1415)	7100–AD74
550	Regulations H and Q—Regulatory Capital Rules (Docket No: R–1460)	7100–AD99
551	Regulation P—Privacy of Consumer Information (Docket No: R–1483)	7100–AE13
552	Regulation V—Fair Credit Reporting (Docket No: R–1484)	7100–AE14

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

545. Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)

Legal Authority: 12 U.S.C. 4001 to 4010; 12 U.S.C. 5001 to 5018

Abstract: The Federal Reserve Board (the Board) proposed amendments to Regulation CC to facilitate the banking industry's ongoing transition to fully electronic interbank check collection and return, including proposed amendments to condition a depositary bank's right of expeditious return on the depositary bank agreeing to accept returned checks electronically either directly or indirectly from the paying bank. The Board also proposed amendments to the funds availability schedule provisions to reflect the fact that there are no longer any nonlocal checks. The Board proposed to revise the model forms in appendix C that banks may use in disclosing their funds availability policies to their customers and to update the preemption determinations in appendix F. Finally, the Board requested comment on whether it should consider future changes to the regulation to improve the check collection system, such as decreasing the time afforded to a paying bank to decide whether to pay a check in order to reduce the risk to a depositary bank of needing to make funds available for withdrawal before learning whether a deposited check has been returned unpaid.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/25/11	76 FR 16862
Board Requested Comment on Revised Proposal.	02/04/14	79 FR 6673
Board Expects Further Action.	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clinton Chen, Attorney, Federal Reserve System, Legal Division, *Phone*: 202 452–3952.

RIN: 7100–AD68

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

546. Regulation HH—Financial Market Utilities (Docket No: R–1477)

Legal Authority: 12 U.S.C. 5464 (a)(1)(A)

Abstract: The Federal Reserve Board (Board) is in the process of finalizing amendments to the risk-management standards currently in the Board's Regulation HH, Part 234 of Title 12 of the Code of Federal Regulations, by replacing the current risk-management standards in section 234.3 (for payment systems) and section 234.4 (for central securities depositories and central counterparties) with a common set of risk-management standards applicable to all types of designated FMUs in proposed section 234.3. The Board is also in the process of finalizing related amendments to definitions in section 234.2.

Timetable:

Action	Date	FR Cite
Board Requested Comments.	01/31/14	79 FR 3666
Board Expects Further Action.	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer A. Lucier, Deputy Associate Director, Federal Reserve System, Reserve Bank Operations and Payment Systems, *Phone*: 202 872–7581.

Chris Clubb, Special Counsel, Federal Reserve System, Legal Division, *Phone*: 202 452–3904.

RIN: 7100–AE09

547. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429)

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828; . . .

Abstract: The Dodd-Frank Act Wall Street Reform and Consumer Protection Act (the Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters. Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expects Further Action.	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tate Wilson, Senior Attorney, Federal Reserve System, Legal Division, *Phone:* 202 452–3696.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–2552.

RIN: 7100–AD80

548. Regulation WW—Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitoring (Docket No: R–1466)

Legal Authority: 12 U.S.C. 248(a); 12 U.S.C. 321; 12 U.S.C. 481; 12 U.S.C. 1818; . . .

Abstract: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC), have finalized a rule that implements quantitative liquidity requirement consistent with the liquidity coverage ratio standard established by the Basel Committee on Banking Supervision. The requirement is designed to promote short-term resilience of the liquidity risk profile of internationally active banking organizations thereby improving the banking sectors ability to absorb shocks arising from financial and economic stress as well as improvements in the measurement of liquidity risk. The rule applies to all internationally active

banking organizations generally bank holding companies certain savings and loan holding companies and depository institutions with more than $250 billion in total assets or more than $10 billion in on-balance sheet foreign exposure and to their consolidated subsidiary depository institutions with $10 billion or more in total consolidated assets. The rule will become effective January 1, 2015. The Board also finalized on its own a modified liquidity coverage ratio standard that is less stringent than the full LCR by reducing net outflows by 30%. The modified LCR applies to bank holding companies and certain savings and loan holding companies that have $50 billion or more in consolidated assets but do not meet the threshold described above. The modified LCR becomes effective January 1, 2016.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	11/29/13	78 FR 71818
Board Expects Further Action.	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anna Lee Hewko, Deputy Associate Director, Federal Reserve System, Division of Banking Supervision and Regulation, *Phone:* 202 530–6260,

David Emmel, Manager, Federal Reserve System, Banking Supervision and Regulation, *Phone:* 202 912–4612.

April C. Snyder, Senior Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3099.

RIN: 7100–AE03

FEDERAL RESERVE SYSTEM (FRS)

Completed Actions

549. Regulation KK—Margin and Capital Requirements for Covered Swap Entities (Docket No: R–1415)

Legal Authority: 7 U.S.C. 6s; 15 U.S.C. 780–10

Abstract: The Office of the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Farm Credit Administration, and the Federal Housing Finance Agency (the Agencies) are requesting comment on a proposal to establish minimum margin and capital requirements for registered swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants for which one of the Agencies is the prudential regulator. This proposed rule implements sections 731 and 764 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which require the Agencies to adopt rules jointly to establish capital requirements and initial and variation margin requirements for such entities on all non-cleared swaps and non-cleared security-based swaps in order to offset the greater risk to such entities and the financial system arising from the use of swaps and security-based swaps that are not cleared.

On September 3, 2014, the Board voted unanimously to propose a rule that builds on the one originally released by the Agencies in 2011. The proposed rule includes some modifications that were made in light of comments received. The Agencies requested comments on the proposed rule no later than 60 days after the date of its publication in the **Federal Register**.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	04/12/11	76 FR 27564
Comment Period End.	07/11/11	76 FR 37029
Board Reopened Comment Period.	10/02/12	77 FR 60057
Adopted Final Rule.	09/24/14	79 FR 57348

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Victoria Szybillo, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 475–6325.

Stephanie Martin, Associate General Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3198.

Anna Harrington, Senior Attorney, Federal Reserve System, Legal Division, *Phone:* 202 452–6406.

RIN: 7100–AD74

550. Regulations H and Q—Regulatory Capital Rules (Docket No: R–1460)

Legal Authority: 12 U.S.C. 1344(b); 12 U.S.C. 329; 12 U.S.C. 3907; 12 U.S.C. 3909; . . .

Abstract: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the Agencies), are seeking comment on a proposal that would strengthen the agencies' leverage ratio standards for large, interconnected U.S. banking organizations. The proposal would apply to any U.S. top-tier bank holding company (BHC) with at least $700 billion in total consolidated assets or at least $10 trillion in assets under custody (covered BHC) and any insured depository institution (IDI) subsidiary of these BHCs. In the revised capital approaches adopted by the agencies in July, 2013 (2013 revised capital approaches), the agencies established a minimum supplementary leverage ratio of 3 percent (supplementary leverage ratio), consistent with the minimum leverage ratio adopted by the Basel Committee on Banking Supervision (BCBS), for banking organizations subject to the advanced approaches risk-based capital rules. In this notice of proposed rulemaking (proposal or proposed rule), the agencies are proposing to establish a ''well capitalized'' threshold of 6 percent for the supplementary leverage ratio for any IDI that is a subsidiary of a covered BHC, under the agencies' prompt corrective action (PCA) framework. The Board also proposes to establish a new leverage buffer for covered BHCs above the minimum supplementary leverage ratio requirement of 3 percent (leverage buffer). The leverage buffer would function like the capital conservation buffer for the risk-based capital ratios in the 2013 revised capital approaches. A covered BHC that maintains a leverage buffer of tier 1 capital in an amount great than 2 percent of its total leverage exposure would not be subject to limitations on distributions and discretionary bonus payments. The proposal would take effect beginning on January 1, 2018. The agencies seek comment on all aspects of this proposal.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	08/20/13	78 FR 51101
Board Adopted Final Rule.	05/01/14	79 FR 24528

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin McDonough, Senior Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–2036.

April C. Snyder, Senior Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3099.

RIN: 7100–AD99

551. Regulation P—Privacy of Consumer Information (Docket No: R–1483)

Legal Authority: 12 U.S.C. 5581

Abstract: The Board of Governors of the Federal Reserve System (Board) repealed its Regulation P, 12 CFR part 216, which was issued to implement section 504 of the Gramm-Leach-Bliley Act (GLB Act). Title X of the Dodd-

Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) transferred rulemaking authority for a number of consumer financial protection laws from the Board, and six other Federal agencies, to the Bureau of Consumer Financial Protection (Bureau), including rulemaking authority for the provisions in Subtitle A of Title V of the GLB Act that were implemented in the Board's Regulation P. In December 2011, the Bureau published an interim final rule establishing its own Regulation P to implement these provisions of the GLB Act (Bureau Interim Final Rule). The Bureau's Regulation P covers those entities previously subject to the Board's Regulation P.

Timetable:

Action	Date	FR Cite
Board Requested Comments.	02/14/14	79 FR 8904
Board Issued Final Rule.	05/29/14	79 FR 30708

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vivian W. Wong, Counsel, Federal Reserve System, Consumer & Community Affairs Division, *Phone:* 202 452–3667.

RIN: 7100–AE13

552. Regulation V—Fair Credit Reporting (Docket No: R–1484)

Legal Authority: 12 U.S.C. 1681(m)

Abstract: The Board of Governors of the Federal Reserve System amended its Identity Theft Red Flags rule, which implements section 615(e) of the Fair Credit Reporting Act (FCRA). The Red Flag Program Clarification Act of 2010 (Clarification Act) added a definition of ''creditor'' in FCRA section 615(e) that is specific to section 615(e). Accordingly, the final rule amended the definition of ''creditor'' in the Identity Theft Red Flags rule to reflect the definition of that term as added by the statute. The final rule also updated a cross-reference in the Identity Theft Red Flags rule to reflect a statutory change in rulemaking authority.

Timetable:

Action	Date	FR Cite
Board Requested Comments.	02/20/14	79 FR 9645
Board Issued Final Rule.	05/29/14	79 FR 30709

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mandie Aubrey, Counsel, Federal Reserve System, Division of Consumer and Community Affairs, *Phone:* 202 973–7315.

RIN: 7100–AE14

[FR Doc. 2014–28990 Filed 12–19–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part XXIV

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0039]

10 CFR Chapter I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance of the NRC's Agenda contains 60 rulemaking activities: 3 are Economically Significant; 11 represent Other Significant agency priorities; 45 are Substantive, Nonsignificant rulemaking activities; and one is an Administrative rulemaking activity. This issuance updates any action occurring on rules since publication of the last semiannual regulatory agenda on June 13, 2014 (79 FR 34204). The NRC is requesting comment on its rulemaking activities as identified in this Agenda. The complete Agenda will be available online at *www.reginfo.gov,* in a format that offers users enhanced ability to obtain information from the Agenda database.

DATES: Submit comments on this agenda by January 21, 2015.

ADDRESSES: Submit comments on any rule in the Agenda by the date and methods specified in the proposed rule notice. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the proposed rule. You may submit comments on this Agenda through the Federal Rulemaking Web site by going to *http://www.regulations.gov* and searching for Docket ID NRC–2014–0039. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions on any rule listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rule.

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: Cindy Bladey, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–287–0949; email: *Cindy.Bladey@nrc.gov.* Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rule listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rule.

SUPPLEMENTARY INFORMATION:

Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0039 when contacting the NRC about the availability of information for this document. You may obtain publically-available information related to this document by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0039.
- NRC's Public Web site: Go to *http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/unified-agenda.html* and select fall 2014.
- NRC's Public Document Room: 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–2014–0039 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

Introduction

The information contained in this semiannual publication is updated to reflect any action that has occurred on rules since publication of the last NRC Agenda on June 13, 2014 (79 FR 34204). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this Agenda has been updated through September 18, 2014. The date for the next scheduled action under the heading ''Timetable'' is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the Agenda.

The NRC Agenda lists all open rulemaking actions. Three rules impact small entities.

Common Prioritization of Rulemaking

The NRC has a process for developing rulemaking budget estimates and determining the relative priorities of rulemaking projects during budget formulation. This process produces a ''Common Prioritization of Rulemaking'' (CPR). The NRC adds new rules and evaluates rule priorities annually. The CPR process considers four factors and assigns a score to each factor. Those factors include (1) support for the NRC's Strategic Plan goals; (2) support for the Strategic Plan organizational excellence objectives; (3) a governmental factor representing interest to the NRC, Congress, or other governmental bodies; and (4) an external factor representing interest to members of the public, non-governmental organizations, the nuclear industry, vendors, and suppliers.

The NRC's fall Agenda contains its annual regulatory plan, which includes a statement of the major rules that the Commission expects to publish in the coming fiscal year (FY) and a description of the other significant regulatory priorities from the CPR that the Commission expects to work on during the coming FY and beyond.

The NRC has received comments from the Nuclear Energy Institute (NEI) with several recommendations for improving the NRC's rulemaking prioritization process and assessing the cumulative impact of rulemaking activities on each

regulated community. The NRC is considering these comments and will respond in a future Agenda.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. The NRC undertakes these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, the NRC does not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, the NRC has not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of NRC regulations that impact small entities and related Small Entity Compliance Guides will be available from the NRC's Web site at *http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html.*

Dated at Rockville, Maryland, this 18th day of September 2014.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
553	Revision of Fee Schedules: Fee Recovery for FY 2015 [NRC–2014–0200] **(Reg Plan Seq No. 159)**	3150–AJ44

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
554	Controlling the Disposition of Solid Materials [NRC–1999–0002]	3150–AH18
555	Variable Annual Fee Structure for Small Modular Power Reactors [NRC–2008–0664]	3150–AI54

NUCLEAR REGULATORY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
556	Revision of Fee Schedules: Fee Recovery for FY 2014 [NRC–2013–0276]	3150–AJ32

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

553. • Revision of Fee Schedules: Fee Recovery for FY 2015 [NRC–2014–0200]

Regulatory Plan: This entry is Seq. No. 159 in part II of this issue of the **Federal Register**.

RIN: 3150–AJ44

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

554. Controlling the Disposition of Solid Materials [NRC–1999–0002]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The NRC staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved (ADAMS Accession Number: ML051520285). The rulemaking package included a summary of stakeholder comments (NUREG/CR–6682), Supplement 1 (ADAMS Accession Number: ML003754410). The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. The Commission has deferred action on this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Solomon Sahle, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555–0001, *Phone:* 301 415–3781, *Email: solomon.sahle@nrc.gov.*

RIN: 3150–AH18

555. Variable Annual Fee Structure for Small Modular Power Reactors [NRC–2008–0664]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The advanced notice of proposed rulemaking (ANPRM) was published in the **Federal Register** on March 25, 2009 (74 FR 12735), seeking comments from the public on a possible variable fee structure for part 171 annual fees for power reactors based on licensed power limits. The comment period ended on June 8, 2009, and the NRC received 16 public comments. The Commission approved the staff's recommendation to establish an NRC workgroup to analyze suggested methodologies for a variable annual fee structure for power reactors in SECY–09–0137 dated October 13, 2009. On February 7, 2011, the Office of the Chief Financial Officer (OCFO) sent a memorandum to the Commission

(ADAMS Accession No. ML110380251) responding to SECY–09–0137.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/09	74 FR 12735
ANPRM Comment Period End.	06/08/09	
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arlette P. Howard, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–1481, *Email: arlette.howard@nrc.gov.*

RIN: 3150–AI54

NUCLEAR REGULATORY COMMISSION (NRC)

Completed Actions

556. Revision of Fee Schedules: Fee Recovery for FY 2014 [NRC–2013–0276]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The final rule amends the Commission's licensing, inspection, and annual fees charged to its applicants and licensees. These amendments implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90) as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2014, less the amounts appropriated from the Waste Incidental to Reprocessing, and generic homeland security activities.

Completed:

Reason	Date	FR Cite
NPRM	04/14/14	79 FR 21036
Final Rule	06/30/14	79 FR 37124
Final Rule Effective.	08/29/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arlette P. Howard, *Phone:* 301 415–1481, *Email: arlette.howard@nrc.gov.*

RIN: 3150–AJ32

[FR Doc. 2014–28992 Filed 12–19–14; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 245 December 22, 2014

Part XXV

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–9663, 34–73341, IA–3945, IC–31283, File No. S7–10–14]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing the Chair's agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sep. 19, 1980). The items listed in the Regulatory Flexibility Agenda for Fall 2014 reflect only the priorities of the Chair of the U.S. Securities and Exchange Commission, and do not necessarily reflect the view and priorities of any individual Commissioner.

Information in the agenda was accurate on October 10, 2014, the date on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission's complete RFA agenda will be available online at *www.reginfo.gov.*

DATES: Comments should be received on or before January 21, 2015.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–10–14 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. S7–10–14. This file number should be included on the subject line if email is used. To help us 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/other.shtml*). Comments are also 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Anne Sullivan, Office of the General Counsel, 202–551–5019.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''—Securities Act of 1933

''Exchange Act''—Securities Exchange Act of 1934

''Investment Company Act''—Investment Company Act of 1940

''Investment Advisers Act''—Investment Advisers Act of 1940

''Dodd Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: October 10, 2014.

Kevin M. O'Neill,

Deputy Secretary.

DIVISION OF CORPORATION FINANCE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
557	Implementation of Titles V and VI of the JOBS Act	3235–AL40

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
558	Rules Governing the Offer and Sale of Securities Through Crowdfunding Under Section 4(a)(6) of the Securities Act.	3235–AL37
559	Amendments to Regulation D, Form D and Rule 156 Under the Securities Act	3235–AL46
560	Treatment of Certain Communications Involving Security-Based Swaps That May be Purchased Only by Eligible Contract Participants.	3235–AL41

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
561	Temporary Rule Regarding Principal Trades With Certain Advisory Clients	3235–AL56

DIVISION OF TRADING AND MARKETS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
562	Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934	3235–AL14

DIVISION OF TRADING AND MARKETS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
563	Rules for Nationally Recognized Statistical Rating Organizations	3235–AL15

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Proposed Rule Stage

557. Implementation of Titles V and VI of the Jobs Act

Legal Authority: Pub. L. 112–106

Abstract: The Division is considering recommending that the Commission propose rules or amendments to rules to implement titles V (Private Company Flexibility and Growth) and VI (Capital Expansion) of the JOBS Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430.

RIN: 3235–AL40

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Final Rule Stage

558. Rules Governing the Offer and Sale of Securities Through Crowdfunding Under Section 4(A)(6) of the Securities Act

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.;* Pub. L. 112–108, secs 301 to 305

Abstract: The Commission proposed rules to implement title III of the JOBS Act by prescribing rules governing the offer and sale of securities through crowdfunding under new section 4(a)(6) of the Securities Act.

Timetable:

Action	Date	FR Cite
NPRM	11/05/13	78 FR 66428
NPRM Comment Period End.	02/03/14	
Final Action	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sebastian Gomez Abero, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

Leila Bham, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5532.

RIN: 3235–AL37

559. Amendments to Regulation D, Form D and Rule 156 Under the Securities Act

Legal Authority: 15 U.S.C. 77a *et seq.*

Abstract: The Commission proposed rule and form amendments to enhance the Commission's ability to evaluate the development of market practices in offerings under Rule 506 of Regulation D and address concerns that may arise in connection with permitting issuers to engage in general solicitation and general advertising under new paragraph (c) of Rule 506.

Timetable:

Action	Date	FR Cite
NPRM	07/24/13	78 FR 44806
NPRM Comment Period End.	09/23/13	
NPRM Comment Period Re-opened.	10/03/13	78 FR 61222
NPRM Comment Period End.	11/04/13	
Final Action	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Kwon, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

Ted Yu, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AL46

560. Treatment of Certain Communications Involving Security-Based Swaps That May Be Purchased Only by Eligible Contract Participants

Legal Authority: 15 U.S.C. 77e; 15 U.S.C. 77s; 15 U.S.C. 77z–3

Abstract: The Commission proposed a rule under the Securities Act to address the treatment of certain communications involving security-based swaps that may be purchased only by eligible contract participants.

Timetable:

Action	Date	FR Cite
NPRM	09/11/14	79 FR 54224
NPRM Comment Period End.	11/10/14	
Final Action	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Schoeffler, Division of Corporation Finance,

Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3860.

RIN: 3235–AL41

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

561. Temporary Rule Regarding Principal Trades With Certain Advisory Clients

Legal Authority: 15 U.S.C. 80b–6a; 15 U.S.C. 80b–11(a)

Abstract: Rule 206(3)–3T, a rule that provides investment advisers who are also registered broker-dealers an alternative means of compliance with the principal trading restrictions in section 206(3) of the Investment Advisers Act, will expire on December 31, 2014. The Commission proposed a temporary rule to extend that date to December 31, 2016.

Timetable:

Action	Date	FR Cite
NPRM	08/18/14	79 FR 48709
NPRM Comment Period End.	09/17/14	
Next Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah Buescher, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5192, *Email: bueschers@sec.gov.*

RIN: 3235–AL56

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Long-Term Actions

562. Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934

Legal Authority: Pub. L. 111–203, sec 939A

Abstract: Section 939A of the Dodd Frank Act requires the Commission to remove certain references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Commission amended certain rules and one form under the Exchange Act applicable to broker-dealer financial responsibility, and confirmation of transactions. The Commission has not yet finalized amendments to certain rules regarding the distribution of securities.

Timetable:

Action	Date	FR Cite
NPRM	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action	01/08/14	79 FR 1522
Final Action Effective.	07/07/14	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Guidroz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6439, *Email: guidrozj@sec.gov.*

RIN: 3235–AL14

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Completed Actions

563. Rules for Nationally Recognized Statistical Rating Organizations

Legal Authority: 15 U.S.C. 78o–7; 15 U.S.C. 78q; 15 U.S.C. 78mm; Pub. L. 111–203, secs 936, 938, and 943

Abstract: The Commission adopted rules and rule amendments to implement certain provisions of the Dodd Frank Act concerning nationally recognized statistical rating organizations, providers of third-party due diligence services for asset-backed securities, and issuers and underwriters of asset-backed securities.

Timetable:

Action	Date	FR Cite
NPRM	06/08/11	76 FR 33420
NPRM Comment Period End.	08/08/11	
Final Action	09/15/14	79 FR 55078
Final Action Effective.	11/14/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Raymond Lombardo, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5755, *Email: lombardor@sec.gov.*

RIN: 3235–AL15

[FR Doc. 2014–28993 Filed 12–19–14; 8:45 am]

BILLING CODE 8011–01–P

FEDERAL REGISTER

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Part XXVI

Department of Transportation

Surface Transportation Board
Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 37)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board (the Board), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) Current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: ''Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.''

The Board is publishing its fall 2014 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866 and 13563. The Board is participating voluntarily in the program to assist OMB.

Dated: September 19, 2014.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Jeffrey Herzig,

Clearance Clerk.

SURFACE TRANSPORTATION BOARD—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
564	Demurrage Liability, Docket No. EP 707	2140–AB07

SURFACE TRANSPORTATION BOARD (STB)

Completed Actions

564. Demurrage Liability, Docket No. EP 707

Legal Authority: 49 U.S.C. 721; 49 U.S.C. 10702; 49 U.S.C. 10746

Abstract: In an advance notice of proposed rulemaking, the Board sought comments from interested parties regarding rail carrier demurrage fees: Charges for holding railroad-owned freight cars. Based on comments received, the Board then proposed a rule addressing when parties should be responsible for paying demurrage in light of current commercial practices.

Timetable:

Action	Date	FR Cite
ANPRM	12/10/10	75 FR 76946
ANPRM Comment Period End.	04/06/11	
NPRM	05/10/12	77 FR 27384
NPRM Comment Period End.	07/23/12	
Initial Regulatory Flexibility Analysis Comment Period End.	07/27/13	78 FR 31882
Final Rule	04/11/14	79 FR 21407
Final Rule Effective.	07/15/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Ziehm, Branch Chief, Surface Transportation Board, 395 E Street SW., Washington, DC 20423, *Phone:* 202 245–0391, *Fax:* 202 245–0464, *Email: ziehma@stb.dot.gov.*

RIN: 2140–AB07

[FR Doc. 2014–28995 Filed 12–19–14; 8:45 am]

BILLING CODE 4915–01–P

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H.R. 43/P.L. 113–204
To designate the facility of the United States Postal Service located at 14 Red River Avenue North in Cold Spring, Minnesota, as the "Officer Tommy Decker Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2071)

H.R. 78/P.L. 113–205
To designate the facility of the United States Postal Service located at 4110 Almeda Road in Houston, Texas, as the "George Thomas 'Mickey' Leland Post Office Building". (Dec. 16, 2014; 128 Stat. 2072)

H.R. 451/P.L. 113–206
To designate the facility of the United States Postal Service located at 500 North Brevard Avenue in Cocoa Beach, Florida, as the "Richard K. Salick Post Office". (Dec. 16, 2014; 128 Stat. 2073)

H.R. 1391/P.L. 113–207
Designate the facility of the United States Postal Service located at 25 South Oak Street in London, Ohio, as the "London Fallen Veterans Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2074)

H.R. 1707/P.L. 113–208
To designate the facility of the United States Postal Service located at 302 East Green Street in Champaign, Illinois, as the "James R. Burgess Jr. Post Office Building". (Dec. 16, 2014; 128 Stat. 2075)

H.R. 2112/P.L. 113–209
To designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2076)

H.R. 2203/P.L. 113–210
To provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy. (Dec. 16, 2014; 128 Stat. 2077)

H.R. 2223/P.L. 113–211
To designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the "Elizabeth L. Kinnunen Post Office Building". (Dec. 16, 2014; 128 Stat. 2081)

H.R. 2366/P.L. 113–212
World War I American Veterans Centennial Commemorative Coin Act (Dec. 16, 2014; 128 Stat. 2082)

H.R. 2678/P.L. 113–213
To designate the facility of the United States Postal Service located at 10360 Southwest 186th Street in Miami, Florida, as the "Larcenia J. Bullard Post Office Building". (Dec. 16, 2014; 128 Stat. 2086)

H.R. 3085/P.L. 113–214
To designate the facility of the United States Postal Service located at 3349 West 111th Street in Chicago, Illinois, as the "Captain Herbert Johnson Memorial Post Office Building". (Dec. 16, 2014; 128 Stat. 2087)

H.R. 3375/P.L. 113–215
To designate the community-based outpatient clinic of the Department of Veterans Affairs to be constructed at 3141 Centennial Boulevard, Colorado Springs, Colorado, as the "PFC Floyd K. Lindstrom Department of Veterans Affairs Clinic". (Dec. 16, 2014; 128 Stat. 2088)

H.R. 3534/P.L. 113–216
To designate the facility of the United States Postal Service located at 113 West Michigan Avenue in Jackson, Michigan, as the "Officer James Bonneau Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2089)

H.R. 3682/P.L. 113–217
To designate the community based outpatient clinic of the Department of Veterans Affairs located at 1961 Premier Drive in Mankato, Minnesota, as the "Lyle C. Pearson Community Based Outpatient Clinic". (Dec. 16, 2014; 128 Stat. 2090)

H.R. 3957/P.L. 113–218
To designate the facility of the United States Postal Service located at 218-10 Merrick Boulevard in Springfield Gardens, New York, as the "Cynthia Jenkins Post Office Building". (Dec. 16, 2014; 128 Stat. 2091)

H.R. 4189/P.L. 113–219
To designate the facility of the United States Postal Service located at 4000 Leap Road in Hilliard, Ohio, as the "Master Sergeant Shawn T. Hannon, Master Sergeant Jeffrey J. Rieck and Veterans Memorial Post Office Building". (Dec. 16, 2014; 128 Stat. 2092)

H.R. 4443/P.L. 113–220
To designate the facility of the United States Postal Service located at 90 Vermilyea Avenue, in New York, New York, as the "Corporal Juan Mariel Alcantara Post Office Building". (Dec. 16, 2014; 128 Stat. 2093)

H.R. 4812/P.L. 113–221
Honor Flight Act (Dec. 16, 2014; 128 Stat. 2094)

H.R. 4919/P.L. 113–222
To designate the facility of the United States Postal Service located at 715 Shawan Falls Drive in Dublin, Ohio, as the "Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2095)

H.R. 4924/P.L. 113–223
Bill Williams River Water Rights Settlement Act of 2014 (Dec. 16, 2014; 128 Stat. 2096)

H.R. 4939/P.L. 113–224
To designate the facility of the United States Postal Service located at 2551 Galena Avenue in Simi Valley, California, as the "Neil Havens Post Office". (Dec. 16, 2014; 128 Stat. 2111)

H.R. 5030/P.L. 113–225
To designate the facility of the United States Postal Service located at 13500 SW 250 Street in Princeton, Florida, as the "Corporal Christian A. Guzman Rivera Post Office Building". (Dec. 16, 2014; 128 Stat. 2112)

H.R. 5106/P.L. 113–226
To designate the facility of the United States Postal Service located at 100 Admiral Callaghan Lane in Vallejo, California, as the "Philmore Graham Post Office Building". (Dec. 16, 2014; 128 Stat. 2113)

H.R. 5108/P.L. 113–227
To establish the Law School Clinic Certification Program of the United States Patent and Trademark Office, and for other purposes. (Dec. 16, 2014; 128 Stat. 2114)

H.R. 5681/P.L. 113–228
To provide for the approval of the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes. (Dec. 16, 2014; 128 Stat. 2116)

H.J. Res. 105/P.L. 113–229
Conferring honorary citizenship of the United States on Bernardo de Galvez y Madrid, Viscount of Galveston and Count of Galvez. (Dec. 16, 2014; 128 Stat. 2117)

S. 229/P.L. 113–230
To designate the medical center of the Department of Veterans Affairs located at 3900 Woodland Avenue in Philadelphia, Pennsylvania, as the "Corporal Michael J. Crescenz Department of Veterans Affairs Medical Center". (Dec. 16, 2014; 128 Stat. 2119)

S. 1434/P.L. 113–231
To designate the Junction City Community-Based Outpatient Clinic located at 715 Southwind Drive, Junction City, Kansas, as the Lieutenant General Richard J. Seitz Community-Based Outpatient Clinic. (Dec. 16, 2014; 128 Stat. 2120)

S. 2040/P.L. 113–232
Blackfoot River Land Exchange Act of 2014 (Dec. 16, 2014; 128 Stat. 2122)

S. 2917/P.L. 113–233
Adding Ebola to the FDA Priority Review Voucher Program Act (Dec. 16, 2014; 128 Stat. 2127)

S. 2921/P.L. 113–234
To designate the community based outpatient clinic of the Department of Veterans Affairs located at 310 Home Boulevard in Galesburg, Illinois, as the "Lane A. Evans VA Community Based Outpatient Clinic". (Dec. 16, 2014; 128 Stat. 2129)

H.R. 83/P.L. 113–235

Consolidated and Further Continuing Appropriations Act, 2015 (Dec. 16, 2014; 128 Stat. 2130)

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LIST OF PUBLIC LAWS

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H.R. 43/P.L. 113–204
To designate the facility of the United States Postal Service located at 14 Red River Avenue North in Cold Spring, Minnesota, as the "Officer Tommy Decker Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2071)

H.R. 78/P.L. 113–205
To designate the facility of the United States Postal Service located at 4110 Almeda Road in Houston, Texas, as the "George Thomas 'Mickey' Leland Post Office Building". (Dec. 16, 2014; 128 Stat. 2072)

H.R. 451/P.L. 113–206
To designate the facility of the United States Postal Service located at 500 North Brevard Avenue in Cocoa Beach, Florida, as the "Richard K. Salick Post Office". (Dec. 16, 2014; 128 Stat. 2073)

H.R. 1391/P.L. 113–207
Designate the facility of the United States Postal Service located at 25 South Oak Street in London, Ohio, as the "London Fallen Veterans Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2074)

H.R. 1707/P.L. 113–208
To designate the facility of the United States Postal Service located at 302 East Green Street in Champaign, Illinois, as the "James R. Burgess Jr. Post Office Building". (Dec. 16, 2014; 128 Stat. 2075)

H.R. 2112/P.L. 113–209
To designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2076)

H.R. 2203/P.L. 113–210
To provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy. (Dec. 16, 2014; 128 Stat. 2077)

H.R. 2223/P.L. 113–211
To designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the "Elizabeth L. Kinnunen Post Office Building". (Dec. 16, 2014; 128 Stat. 2081)

H.R. 2366/P.L. 113–212
World War I American Veterans Centennial Commemorative Coin Act (Dec. 16, 2014; 128 Stat. 2082)

H.R. 2678/P.L. 113–213
To designate the facility of the United States Postal Service located at 10360 Southwest 186th Street in Miami, Florida, as the "Larcenia J. Bullard Post Office Building". (Dec. 16, 2014; 128 Stat. 2086)

H.R. 3085/P.L. 113–214
To designate the facility of the United States Postal Service located at 3349 West 111th Street in Chicago, Illinois, as the "Captain Herbert Johnson Memorial Post Office Building". (Dec. 16, 2014; 128 Stat. 2087)

H.R. 3375/P.L. 113–215
To designate the community-based outpatient clinic of the Department of Veterans Affairs to be constructed at 3141 Centennial Boulevard, Colorado Springs, Colorado, as the "PFC Floyd K. Lindstrom Department of Veterans Affairs Clinic". (Dec. 16, 2014; 128 Stat. 2088)

H.R. 3534/P.L. 113–216
To designate the facility of the United States Postal Service located at 113 West Michigan Avenue in Jackson, Michigan, as the "Officer James Bonneau Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2089)

H.R. 3682/P.L. 113–217
To designate the community based outpatient clinic of the Department of Veterans Affairs located at 1961 Premier Drive in Mankato, Minnesota, as the "Lyle C. Pearson Community Based Outpatient Clinic". (Dec. 16, 2014; 128 Stat. 2090)

H.R. 3957/P.L. 113–218
To designate the facility of the United States Postal Service located at 218-10 Merrick Boulevard in Springfield Gardens, New York, as the "Cynthia Jenkins Post Office Building". (Dec. 16, 2014; 128 Stat. 2091)

H.R. 4189/P.L. 113–219
To designate the facility of the United States Postal Service located at 4000 Leap Road in Hilliard, Ohio, as the "Master Sergeant Shawn T. Hannon, Master Sergeant Jeffrey J. Rieck and Veterans Memorial Post Office Building". (Dec. 16, 2014; 128 Stat. 2092)

H.R. 4443/P.L. 113–220
To designate the facility of the United States Postal Service located at 90 Vermilyea Avenue, in New York, New York, as the "Corporal Juan Mariel Alcantara Post Office Building". (Dec. 16, 2014; 128 Stat. 2093)

H.R. 4812/P.L. 113–221
Honor Flight Act (Dec. 16, 2014; 128 Stat. 2094)

H.R. 4919/P.L. 113–222
To designate the facility of the United States Postal Service located at 715 Shawan Falls Drive in Dublin, Ohio, as the "Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office". (Dec. 16, 2014; 128 Stat. 2095)

H.R. 4924/P.L. 113–223
Bill Williams River Water Rights Settlement Act of 2014 (Dec. 16, 2014; 128 Stat. 2096)

H.R. 4939/P.L. 113–224
To designate the facility of the United States Postal Service located at 2551 Galena Avenue in Simi Valley, California, as the "Neil Havens Post Office". (Dec. 16, 2014; 128 Stat. 2111)

H.R. 5030/P.L. 113–225
To designate the facility of the United States Postal Service located at 13500 SW 250 Street in Princeton, Florida, as the "Corporal Christian A. Guzman Rivera Post Office Building". (Dec. 16, 2014; 128 Stat. 2112)

H.R. 5106/P.L. 113–226
To designate the facility of the United States Postal Service located at 100 Admiral Callaghan Lane in Vallejo, California, as the "Philmore Graham Post Office Building". (Dec. 16, 2014; 128 Stat. 2113)

H.R. 5108/P.L. 113–227
To establish the Law School Clinic Certification Program of the United States Patent and Trademark Office, and for other purposes. (Dec. 16, 2014; 128 Stat. 2114)

H.R. 5681/P.L. 113–228
To provide for the approval of the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes. (Dec. 16, 2014; 128 Stat. 2116)

H.J. Res. 105/P.L. 113–229
Conferring honorary citizenship of the United States on Bernardo de Galvez y Madrid, Viscount of Galveston and Count of Galvez. (Dec. 16, 2014; 128 Stat. 2117)

S. 229/P.L. 113–230
To designate the medical center of the Department of Veterans Affairs located at 3900 Woodland Avenue in Philadelphia, Pennsylvania, as the "Corporal Michael J. Crescenz Department of Veterans Affairs Medical Center". (Dec. 16, 2014; 128 Stat. 2119)

S. 1434/P.L. 113–231
To designate the Junction City Community-Based Outpatient Clinic located at 715 Southwind Drive, Junction City, Kansas, as the Lieutenant General Richard J. Seitz Community-Based Outpatient Clinic. (Dec. 16, 2014; 128 Stat. 2120)

S. 2040/P.L. 113–232
Blackfoot River Land Exchange Act of 2014 (Dec. 16, 2014; 128 Stat. 2122)

S. 2917/P.L. 113–233
Adding Ebola to the FDA Priority Review Voucher Program Act (Dec. 16, 2014; 128 Stat. 2127)

S. 2921/P.L. 113–234
To designate the community based outpatient clinic of the Department of Veterans Affairs located at 310 Home Boulevard in Galesburg, Illinois, as the "Lane A. Evans VA Community Based Outpatient Clinic". (Dec. 16, 2014; 128 Stat. 2129)

H.R. 83/P.L. 113–235

Consolidated and Further Continuing Appropriations Act, 2015 (Dec. 16, 2014; 128 Stat. 2130)

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