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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### 15 CFR Parts 732, 736, 740, 744, 752, 754, 758, 766, 770, 772

**[Docket No. 130829771–3771–01]**

**RIN 0694–AF97**

## Export Administration Regulations: Editorial Clean-Up of References to Foreign Trade Regulations

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to harmonize it with revisions made to the Census Bureau's Foreign Trade Regulations (FTR) by correcting citations, nomenclature, and procedures set forth in the EAR.

**DATES:** Effective Date of this rule is January 29, 2014.

**ADDRESSES:** Comments on this rule may be via email to *publiccomments@bis.doc.gov* or in hardcopy to Regulatory Policy Division, Bureau of Industry and Security, Room 2099B, U.S. Department of Commerce, 14th St. and Pennsylvania Ave. NW., Washington, DC 20230. Please refer to RIN 0694–AF97 in all comments and in the subject line of email comments.

**FOR FURTHER INFORMATION CONTACT:** Sharron Cook, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–2440 or by email at *sharron.cook@bis.doc.gov.*

**SUPPLEMENTARY INFORMATION**

### Background

The Bureau of the Census (Census Bureau) amended its regulations, the Foreign Trade Regulations (FTR) 15 CFR Part 30, to implement a requirement for mandatory filing of export information through the Automated Export System (AES) or through AES*Direct* for all shipments where a Shipper's Export Declaration (SED) is required and to reflect new export reporting requirements, respectively on June 2, 2008 (73 FR 31555) and March 14, 2013 (78 FR 16366). These rules moved many requirements to different sections within the FTR and introduced new terminology, e.g., Electronic Export Information (EEI); they did not substantively change any of the requirements in the Export Administration Regulations (EAR). This rule revises many citation references in the EAR to the FTR, removes the term ''Shipper's Export Declaration (SED)'' and adds in its place ''Electronic Export Information (EEI),'' and makes other amendments to the EAR to harmonize it with the current FTR. This rule does not change any substantive portions of the EAR.

*Section 732.5 Steps*

The title of this section is changed from ''Steps regarding Shipper's Export Declaration or Automated Export System record, Destination Control Statements, and recordkeeping'' to ''Steps regarding Electronic Export Information (EEI) requirements, Destination Control Statement, and recordkeeping.'' Paragraph (a) introductory paragraph ''Step 27'' title is revised from ''Shipper's Export Declaration (SED) or Automated Export System (AES) record'' to read ''Electronic Export Information (EEI) filing requirements.'' All references to the SED are replaced with references to the EEI. The title of the Bureau of Census regulations is changed from ''Foreign Trade Statistics Regulations (FTSR)'' to ''Foreign Trade Regulations (FTR).''

In paragraph (a)(1) the requirement text is updated to read, ''You must report the correct license code that corresponds with your license authority (license or license exception) or designation (No License Required (NLR)) for your export on the EEI filing, as appropriate.'' References are added to 15 CFR 30.6(b)(23) and Part III of Appendix B to 15 CFR Part 30 of the FTR. Also, a sentence is added to remind exporters that by reporting a code/symbol for a license exception on an EEI filing they are certifying that their transaction meets the criteria of that license exception. Additionally, it notifies exporters that AES checks certain license exception criteria against the data entered on the EEI, and that if the data conflicts with eligibility criteria of the license exception it will result in a fatal error in the AES system.

Paragraph (a)(1)(i) is redesignated as (a)(2) and the title is changed from ''License number and expiration date'' to ''License number,'' because the expiration date is no longer required. AES automatically checks whether the license has expired. A reference to 15 CFR 30.6(b)(5) of the FTR is added to this paragraph.

Paragraph (a)(1)(ii) is removed, as the requirement for entering the license exception authority is already addressed in paragraph (a)(1).

Paragraph (a)(1)(iii) is removed, as the requirement for entering the license code for the designation NLR is included in paragraph (a)(1). The requirements for entering license code for NLR on the EEI and proper use of NLR are set forth in § 758.1(g)(3) of the EAR and do not need to be repeated here.

Paragraph (a)(2) ''item description'' is redesignated as (a)(3) and terminology and citation references are updated to harmonize with the FTR.

Paragraph (a)(3) ''Entering the ECCN'' is redesignated as (a)(4) and terminology and citation references are updated to harmonize with the FTR. In addition, this rule clarifies that ''EAR99'' must be entered in the Export Control Classification Number (ECCN) block of the EEI filing for items that are not classified under an ECCN for all licensed and license exception exports, and NLR exports of items having a reason for control other than or in addition to anti-terrorism (AT).

*Supplement No. 2 to Part 736—Administrative Orders*

Paragraph (a)(3) is amended by removing the reference to the SED in paragraph (a)(3)(iv) and adding a new paragraph (a)(3)(v) to the definition of the terms ''practice before BIS'' and ''appear before BIS.'' These terms will now also include ''reporting on behalf of another to the Census Bureau Electronic Export Information to the Automated Export System.''

*Part 740—License Exceptions*

Section 740.1 is amended by revising paragraph (d). The Title is changed from ''Shippers Export Declaration or Automated Export System Record'' to ''Electronic Export Information (EEI) filing.'' This rule updates reference citations to the FTR and terminology to harmonize with the FTR.

Section 740.13 ''License Exception TSU'' is amended by revising footnote 3 to paragraph (d)(1) to correct FTR references and terminology.

Section 740.15 ''License Exception AVS'' is amended by revising paragraphs (c)(1)(iv) and (c)(2)(iv) to correct FTR references and terminology.

*Section 744.7 Restrictions on certain exports to and for the use of certain foreign vessels or aircraft*

Section 744.7 is amended by revising paragraphs (b)(1)(iv) and (b)(2)(iv) to correct FTR references and terminology.

*Part 752 Special Comprehensive License*

Section 752.7 is amended by revising paragraph (b)(1) to replace Shipper's Export Declaration with Electronic Export Information (EEI).

Section 752.15 is amended by revising paragraph (a) to correct terminology in order to harmonize with the FTR.

*Part 754 Short Supply*

Section 754.4 is amended by revising paragraph (c)(4) to correct FTR references and terminology.

Supplement No. 2 to Part 754 is amended by revising footnote 1 to correct terminology in order to harmonize with the FTR.

*Part 758 Export Clearance*

Section 758.1 is revised to update FTR citations and terminology. Text that only pertained to FTR has been removed, e.g., the Note to paragraph (b) concerning FTR requirements for ''in transit goods.''

In § 758.1(g)(1), the requirement to input the expiration date of the license is removed, because once the license number is entered, AES will check the expiration date of the license against the data BIS transmits to the AES system.

In § 758.1(g)(3), this rule removes the option to enter ''TSPA'' for exports consisting of technology or software outside the scope of the EAR. BIS no longer has any need to collect data on this subset of NLR exports; therefore, the symbol ''TSPA'' is no longer necessary. This rule also clarifies that the NLR designator is to be used only when no license is required for the export.

*Section 758.2 Automated Export System (AES)*

This section has been completely rewritten, in order to update the status and procedures for postdeparture filing (i.e., Option 4) in AES, to conform to the FTR.

*Section 758.3 Responsibilities of parties to the transaction*

The Note to paragraph (b) is removed, because the FTR no longer has a definition for exporter.

*Section 758.5 Conformity of documents and unloading of items*

Section 758.5 is amended by revising paragraphs (b), (c)(1), (c)(2)(i), (c)(2)(ii), and (d) to correct FTR references and terminology.

*Section 758.7 Authority of the Office of Export Enforcement, the Bureau of Industry and Security, Customs offices and Postmasters in clearing shipments*

Section 758.7 is amended by revising paragraph (b)(1)(i) to correct FTR references and terminology.

*Supplement No. 1 to Part 766 ''Guidance on Charging and Penalty Determinations in Settlement of Administrative Enforcement Cases''*

Supplement No. 1 to part 766 ''Guidance on Charging and Penalty Determinations in Settlement of Administrative Enforcement Cases'' is amended by revising paragraphs (III)(A) ''Related Violations,'' (III)(B)(8) ''Mitigating Factors,'' and (III)(B)(4) ''Aggravating Factors,'' to correct FTR references and terminology.

*Section 770.2 Interpretations*

Section 770.2 is amended by revising paragraphs (e)(2)(ii) and (f), to correct FTR references and terminology.

*Part 772 Definitions of terms used in the EAR*

Section 772.1 is amended by revising the definitions for the terms ''Automated Export System (AES),'' ''export control document,'' ''exporter,'' and ''NLR'' to correct FTR references and terminology. For the term ''exporter'' the last sentence that stated the FTR's definition for the term exporter, which differed from the definition of the term in the EAR, is removed. The newly revised FTR does not define the term ''exporter;'' therefore, that last sentence no longer applies and is removed by this rule.

*Export Administration Act*

Since August 21, 2001, the Export Administration Act of 1979, as amended, has been in lapse. However, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended by the Notice of August 8, 2013, 78 FR 49107 (August 12, 2013), has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

*Rulemaking Requirements*

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''not significant regulatory action,'' under section 3(f) of Executive Order 12866.

2. The Department finds that there is good cause under 5 U.S.C. 553(b)(3)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are unnecessary. The revisions made by this rule are administrative, not substantive, in nature and merely update the EAR to reflect changes to regulations referenced therein. The rule does not affect the rights and obligations of the public. Because these revisions are not substantive changes to the EAR, it is unnecessary to provide prior notice and opportunity for public comment. In addition, the 30-day delay in effectiveness required by 5 U.S.C. 553(d) is not applicable because this rule is not a substantive rule. As stated above, these revisions do not alter any rights or obligations, but merely correct citations, nomenclature, and procedures set forth in the EAR so that those references are harmonized with revisions that have been made to the FTR. The waiver is necessary to avoid undue public confusion. As a result, no benefit would be gained by delaying this rule's effectiveness for 30 days. This final rule is exempt from the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

because no general notice of proposed rulemaking was required for this rule.

**List of Subjects**

*15 CFR Parts 732, 740, 752, and 758*

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

*15 CFR Parts 736, 770 and 772*

Exports

*15 CFR Part 744*

Exports, Reporting and recordkeeping requirements, Terrorism.

*15 CFR Part 754*

Agricultural commodities, Exports, Forests and forest products, Horses, Petroleum, Reporting and recordkeeping requirements.

*15 CFR Part 766*

Administrative practice and procedure, confidential business information, Exports, Law enforcement, Penalties.

Accordingly, Parts 732, 736, 740, 744, 752, 754, 758, 766, 770, and 772 of the Export Administration Regulations (15 CFR Parts 730–774) are amended as follows:

## PART 732—[AMENDED]

■ 1. The authority citation for 15 CFR Part 732 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013). 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 2151 note; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of May 7, 2013, 78 FR 27301 (May 9, 2013); Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013).

■ 2. Section 732.5 is amended by revising the section heading and paragraph (a) to read as follows:

**§ 732.5 Steps regarding Electronic Export Information (EEI) requirements, Destination Control Statements, and recordkeeping.**

(a) *Step 27: Electronic Export Information (EEI) filing requirements.* Exporters or agents authorized to file EEI to the Automated Export System (AES), should review § 758.1 of the EAR to determine when the EAR requires EEI to be filed and what EEI data elements the EAR requires to be included. More detailed information about EEI filing procedures and requirements may be found in the Bureau of Census Foreign Trade Regulations (FTR) at 15 CFR Part 30. Reexporters and firms exporting from abroad may skip Steps 27 through 29 and proceed directly to § 732.6 of the EAR.

(1) *License code/license exception code (license code).* You must report the correct license code that corresponds with your license authority (license or license exception) or designation (No License Required (NLR)) for your export on the EEI filing, as appropriate. See § 758.1(g) of the EAR and 15 CFR 30.6(a)(23) and Part III of Appendix B to 15 CFR Part 30 of the FTR. Generally, conflicts of data elements with license exception criteria, e.g., ECCN or destination, will result in a fatal error in the AES system. By reporting a license code for a license exception on an EEI filing you are certifying that your transaction meets the criteria of that license exception. By reporting a license code of NLR you are certifying that no license is required for your export.

(2) *License number.* If you are exporting under the authority of a license, you must report the license number on the EEI filing. See 15 CFR 30.6(b)(5) of the FTR.

(3) *Item description.* You must report an item description identical to the item description on the license when a license is required, or report an item description sufficient in detail to permit review by the U.S. Government and verification of the Schedule B Number or the Harmonized Tariff Schedule of the United States (HTS) for license exception exports or exports for which No License is Required (NLR). See § 758.1(g) of the EAR; and 15 CFR 30.6(a)(13) of the FTR.

(4) *Entering the ECCN.* You must report the correct Export Control Classification Number (ECCN) or ''EAR99'' for items that are not classified under an ECCN on the EEI filing for all licensed and license exception exports, and ''No License Required'' (NLR) exports of items having a reason for control other than or in addition to anti-terrorism (AT). The only exception to this requirement would be the return of unwanted foreign origin items, meeting the provisions of License Exception TMP, under § 740.9(b)(3) of the EAR. See § 758.1(g) of the EAR and 15 CFR 30.6(b)(6) of the FTR.

* * * * *

## PART 736—[AMENDED]

■ 3. The authority citation for 15 CFR Part 736 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 2151 note; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of May 7, 2013, 78 FR 27301 (May 9, 2013); Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013).

■ 4. Supplement No. 2 to Part 736 is amended by:

■ a. Removing the phrase ''Shipper's Export Declarations also are'' from ''Administrative Order One'' and adding in its place ''Electronic Export Information (EEI) filings via the Automated Export System (AES) are also''; and

■ b. Revising paragraph (a)(3) of Administrative Order Two to read as follows:

**Supplement No. 2 to Part 736—Administrative Orders**

* * * * *

Administrative Order Two * * *

(a) * * *

(3) *Definition.* As used in this Administration Order, the terms ''practice before BIS'' and ''appear before BIS'' include:

(i) The submission on behalf of another of applications for export licenses or other documents required to be filed with BIS, or the execution of the same;

(ii) Conferences or other communications on behalf of another with officers or employees of BIS for the purpose of soliciting or expediting approval by BIS of applications for export licenses or other documents, or with respect to quotas, allocations, requirements or other export control actions, pertaining to matters within the jurisdiction of BIS;

(iii) Participating on behalf of another in any proceeding pending before BIS;

(iv) Submission on behalf of another of a license or other export control document to U.S. Customs and Border Protection (CBP); and

(v) Reporting on behalf of another Electronic Export Information via the Automated Export System (AES) to CBP.

* * * * *

## PART 740—[AMENDED]

■ 5. The authority citation for 15 CFR Part 740 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 7201 et seq.; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 5A. Section 740.1 is amended by revising paragraph (d) to read as follows:

**§ 740.1 Introduction.**

* * * * *

(d) *Electronic Export Information (EEI) filing.* You must enter on any required EEI filing the correct License Code that corresponds to the appropriate license exception symbol (e.g., LVS, GBS, CIV) and the correct Export Control Classification Number (ECCN) (e.g., 4A003, 5A002) for all exports of items under a license exception. Items temporarily in the United States meeting the provisions of License Exception TMP, under § 740.9(b)(3), are excepted from this requirement. See § 758.1 of the EAR and 15 CFR Part 30 of the FTR for EEI requirements.

* * * * *

■ 6. Section 740.13 is amended by revising footnote 3 to paragraph (d)(1) to read as follows:

**§ 740.13 Technology and software—unrestricted (TSU).**

* * * * *

(d) * * *

(1) * * *

[3] Pursuant to 15 CFR § 30.37(f) of the Foreign Trade Regulations (FTR), Electronic Export Information (EEI) via the Automated Export System (AES) is required for mass-market software.

■ 7. Section 740.15 is amended by revising paragraphs (c)(1)(iv) and (c)(2)(iv), to read as follows:

**§ 740.15 Aircraft and vessels (AVS).**

* * * * *

(c) * * *

(1) * * *

(iv) Shipped as cargo for which Electronic Export Information (EEI) is filed to the Automated Export System (AES) in accordance with the requirements of the Foreign Trade Regulations (FTR) (15 CFR Part 30), except EEI is not required to be filed when any of the commodities, other than fuel, is exported by U.S. airlines to their own aircraft abroad for their own use, see 15 CFR 30.37(o) of the FTR.

(2) * * *

(iv) Shipped as cargo for which Electronic Export Information (EEI) is filed to the Automated Export System (AES) record is filed in accordance with the requirements of the Foreign Trade Regulations (FTR) (15 CFR Part 30), except EEI is not required to be filed when any of these commodities is exported by U.S. airlines to their own installations and agents abroad for use in their aircraft operations, see 15 CFR 30.37(o) of the FTR.

* * * * *

## PART 744—[AMENDED]

■ 8. The authority citation for 15 CFR Part 744 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 3201 et seq.; 42 U.S.C. 2139a; 22 U.S.C. 7201 et seq.; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of January 17, 2013, 78 FR 4303 (January 22, 2013) Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of September 18, 2013, 78 FR 58151 (September 20, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013).

■ 9. Section 744.7 is amended by revising paragraphs (b)(1)(iv) and (b)(2)(iv) to read as follows:

**§ 744.7 Restrictions on certain exports to and for the use of certain foreign vessels or aircraft.**

* * * * *

(b) * * *

(1) * * *

(iv) Shipped as cargo for which Electronic Export Information (EEI) is filed to the Automated Export System (AES) in accordance with the requirements of the Foreign Trade Regulations (FTR) (15 CFR Part 30), except EEI is not required to be filed when any of the commodities, other than fuel, is exported by U.S. airlines to their own aircraft abroad for their own use, see 15 CFR 30.37(o) of the FTR.

(2) * * *

(iv) Shipped as cargo for which Electronic Export Information (EEI) is filed to the Automated Export System (AES) in accordance with the requirements of the Foreign Trade Regulations (FTR) (15 CFR Part 30), except EEI is not required to be filed when any of these commodities is exported by U.S. airlines to their own installations and agents abroad for use in their aircraft operations, see 15 CFR 30.37(o) of the FTR.

* * * * *

## PART 752—[AMENDED]

■ 10. The authority citation for 15 CFR Part 752 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 11. Section 752.7 is amended by revising paragraph (b)(1) to read as follows:

**§ 752.7 Direct shipment to customers.**

* * * * *

(b) * * *

(1) Exports by an SCL holder. The SCL holder may make a direct shipment by entering on the Electronic Export Information (EEI) the name and address of the customer as ultimate consignee and adding the notation ''by order of (name and address of consignee requesting the direct shipment).'' The notation must appear below the item description in the commodity description field and must cite the SCL number followed by the three digit number of the consignee requesting the ''by order of'' shipment.

* * * * *

■ 12. Section 752.15 is amended by revising paragraph (a) to read as follows:

**§ 752.15 Export clearance.**

(a) *Electronic Export Information (EEI).* The EEI filing to the Automated Export System (AES) covering an export made under an SCL must be prepared in accordance with requirements of the Foreign Trade Regulations (15 CFR Part 30) and § 758.1 of the EAR.

(1) *Item descriptions.* Item descriptions on the EEI must indicate specifically the ECCN and item description conforming to the applicable CCL description and incorporating any additional information where required by Schedule B (e.g., type, size, name of specific item, etc.).

(2) *Value of shipments.* There is no value limitation on shipments under the SCL; however, you must indicate the value of each shipment on EEI.

(3) *SCL number.* The EEI must include the Special Comprehensive License (SCL) number in the License Number field and the name of the SCL's approved consignee in the Ultimate Consignee field to whom the shipment is authorized.

* * * * *

## PART 754—[AMENDED]

■ 13. The authority citation for 15 CFR Part 754 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 30 U.S.C. 185(s), 185(u); 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 14. Section 754.2 is amended by revising paragraphs (h)(2) and (i)(3), to read as follows:

**§ 754.2 Crude oil.**

* * * * *

(h) * * *

(2) A person exporting crude oil pursuant to this License Exception must enter on any required Electronic Export Information (EEI) filing to the Automated Export System (AES) the correct license code that corresponds to ''SS–SPR.''

(i) * * *

(3) A person exporting crude oil pursuant to this License Exception must enter on any required Electronic Export Information (EEI) filing to the Automated Export System (AES) the correct license code that corresponds to ''SS–SAMPLE.''

* * * * *

■ 15. Section 754.4 is amended by revising paragraph (c)(4) to read as follows:

**§ 754.4 Unprocessed western red cedar.**

* * * * *

(c) * * *

(4) A person exporting any item pursuant to this license exception must enter on any required Electronic Export Information (EEI) filing to the Automated Export System (AES) the correct license code that corresponds to ''SS–WRC.''

* * * * *

■ 16. Supplement No. 2 to Part 754 is amended by revising footnote 1 to read as follows:

**Supplement No. 2 to Part 754—Unprocessed Western Red Cedar**

* * * * *

[1] Schedule B Numbers are provided only as a guide to proper completion of the Electronic Export Information (EEI) filing to the Automated Export System (AES).

## PART 758—[AMENDED]

■ 17. The authority citation for 15 CFR Part 758 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 18. Sections 758.1 and 758.2 are revised to read as follows:

**§ 758.1 The Electronic Export Information (EEI) filing to the Automated Export System (AES).**

(a) The *Electronic Export Information (EEI) filing to the Automated Export System (AES).* The EEI is used by the Bureau of Census to collect trade statistics and by the Bureau of Industry and Security for export control purposes. The EEI collects basic information such as the names and addresses of the parties to a transaction; the Export Control Classification Number (ECCN) (when required), the Schedule B number or Harmonized Tariff Schedule of the United States (HTS) number, the description, quantity and value of the items exported; and the license authority for the export. The EEI is a statement to the United States Government that the transaction occurred as described.

(b) *When is an EEI filing required to be filed in the AES.* Except when the export of items subject to the EAR is to take place electronically or in an otherwise intangible form, you must file EEI in the AES with the United States Government for items subject to the EAR, including exports by U.S. mail, in the following situations:

(1) For all exports of items subject to the EAR that are destined to a country in Country Group E:1 of Supplement No. 1 to Part 740 of the EAR regardless of value;

(2) For all exports subject to the EAR that require submission of a license application, regardless of value or destination;

(3) For all exports of ''600 series'' items enumerated in paragraphs .a through .x of a ''600 series'' ECCN regardless of value or destination, including exports to Canada;

(4) For all exports under license exception Strategic Trade Authorization (STA);

(5) For all exports of commodities and mass market software subject to the EAR when the value of the commodities or mass market software classified under a single Schedule B Number (or HTS) is over $2,500, except as exempted by the Foreign Trade Regulations (FTR) in 15 CFR Part 30 and referenced in paragraph (c) of this section;

(6) For all exports of items subject to the EAR that will be transshipped through Canada to a third destination, where the export would require EEI or license if shipped directly to the final destination from the United States (see 15 CFR 30.36(b)(2) of the FTR); or

(7) For all items exported under authorization Validated End-User (VEU).

(c) *Exemptions.* A complete list of exemptions from the EEI filing requirement is set forth in the 15 CFR 30.35 through 30.40 of the FTR. Some of these FTR exemptions have elements in common with certain EAR license exceptions. An FTR exemption may be narrower than an EAR license exception. The following references are provided in order to direct you to the FTR exemptions that relate to EAR license exceptions:

(1) License Exception Baggage (BAG), as set forth in § 740.14 of the EAR. See 15 CFR 30.37(x) of the FTR;

(2) License Exception Gift Parcels and Humanitarian Donations (GFT), as set forth in § 740.12 of the EAR. See 15 CFR 30.37(h) of the FTR;

(3) License Exception Aircraft and Vessels (AVS), as set forth in § 740.15 of the EAR. See 15 CFR 30.37(o) (5) of the FTR;

(4) License Exception Governments and International Organizations (GOV), as set forth in § 740.11 of the EAR. See 15 CFR 30.39 and 30.40 of the FTR;

(5) License Exception Technology and Software Under Restriction (TSR), as set forth in § 740.6 of the EAR. See 15 CFR 30.37(f) of the FTR; or

(6) License Exception Temporary Imports, Exports, and Reexports (TMP) ''tools of trade'', as set forth in § 740.9(a)(2)(i) of the EAR. See 15 CFR 30.37(b) of the FTR.

(d) *Notation on export documents for exports exempt from EEI filing requirements.* When an exemption from filing the EEI applies, the export authority (license exception or NLR) of all the items must be entered on the loading document (e.g., Cargo Declaration, manifest, bill of lading, (master) air waybill) by the person responsible for preparing the document, see 15 CFR 30.35 of the FTR. This requirement is intended to parallel the Bureau of Census requirement, so that notations as to the basis for the EEI exemption and the license authority are entered in the same place and manner (see 15 CFR 30.45(e) and (f) of the FTR for detailed requirements). The loading document must be available for inspection by government officials, along with the items, prior to lading on the carrier.

(e) *Filing the Electronic Export Information (EEI) to the AES.* The person who files the EEI to the AES must be in the United States at the time of filing. The person who transmits the EEI to the AES must be a certified AES participant in accordance with 15 CFR 30.5 of the FTR. The person who transmits EEI to the AES, whether exporter (U.S. principal party in interest) or agent, is responsible for the truth, accuracy, and completeness of the EEI, except insofar as that person can demonstrate that he or she reasonably relied on information furnished by others.

(f) *The EEI is an export control document.* The EEI is a statement to the United States Government. The EEI is an export control document as defined in Part 772 of the EAR. False statements

made thereon may be a violation of § 764.2(g) of the EAR. When EEI is filed to the AES, the filer of the EEI represents the following:

(1) Export of the items described on the EEI filing is authorized under the terms and conditions of a license issued by BIS; is in accordance with the terms and conditions of a license exception; is authorized under ''NLR'' as no license is required for the shipment; or is not subject to the EAR;

(2) Statements on the EEI filing are in conformity with the contents of any license issued by BIS, with the possible exception of the exporter block in routed transactions; and

(3) All information shown on the EEI filing is true, accurate, and complete.

(g) *Export control information on the EEI filing in AES.* For each item on the EEI filing, you must report the license authority (license number, License Exception symbol, or No License Required (NLR) designator), the Export Control Classification Number (ECCN) (when required), and the item description in the designated blocks. The item description must be stated in Commerce Control List (CCL) terms. If those terms are inadequate to meet the Bureau of Census requirements, the FTR requires that you give enough additional detail to permit verification of the Schedule B Number (or Harmonized Tariff Schedule of the United States (HTS) number). See 15 CFR Part 30, Appendix B, Part III of the FTR for license codes.

(1) *Exports under a license.* When exporting under the authority of a license, you must report on the EEI filing to the AES the license code that corresponds to the license, license number, the ECCN, and an item description identical to the item description on the license.

(2) *Exports under a license exception.* You must report on any required EEI filing to the AES the ECCN and the correct License Exception symbol (e.g., LVS, GBS, CIV) for the License Exception(s) and the license code/license exception code that corresponds to the license exception under which you are exporting. Items temporarily in the United States meeting the provisions of License Exception TMP, under § 740.9(b)(3), are exempted from entering the ECCN. See also § 740.1(d) of the EAR.

(3) *No License Required (NLR) exports.* You must report on any required EEI filing to the AES the correct license code/license exception code when using the ''NLR'' designation for the items that are subject to the EAR but not listed on the Commerce Control List (CCL) (i.e., items are designated as EAR99) (FTR license code ''C33''), and when the items to be exported are listed on the CCL but are not subject to a license requirement. In addition, you must enter the correct ECCN on any required EEI filing for all items being exported under the NLR provisions that have a reason for control other than or in addition to anti-terrorism (AT).

(h) *Power of attorney or other written authorization.* In a ''power of attorney'' or other written authorization, authority is conferred upon an agent to perform certain specified acts or kinds of acts on behalf of a principal.

(1) An agent must obtain a power of attorney or other written authorization in the following circumstances:

(i) An agent that represents a foreign principal party in interest in a routed transaction must obtain a power of attorney or other written authorization that sets forth his authority; and

(ii) An agent that applies for a license on behalf of a principal party in interest must obtain a power of attorney or other written authorization that sets forth the agent's authority to apply for the license on behalf of the principal.

**Note to paragraph (h)(1):** The Bureau of Census Foreign Trade Regulations impose additional requirements for a power of attorney or other written authorization. See 15 CFR 30.3(f) of the FTR.

(2) This requirement for a power of attorney or other written authorization is a legal requirement aimed at ensuring that the parties to a transaction negotiate and understand their responsibilities. The absence of a power of attorney or other written authorization does not prevent BIS from using other evidence to establish the existence of an agency relationship for purposes of imposing liability.

(i) *Filing the Electronic Export Information (EEI).* The EEI must be filed with the United States Government in the manner prescribed by the Bureau of Census Foreign Trade Regulations (15 CFR Part 30).

### § 758.2 Automated Export System (AES).

The Bureau of the Census' Foreign Trade Regulations (FTR) (15 CFR Part 30) contain provisions for filing Electronic Export Information (EEI) using the Automated Export System (AES). In order to use AES, you must apply directly to the Bureau of the Census (Census Bureau) for certification and approval (see 15 CFR 30.5(a) of the FTR). Two electronic filing options (predeparture and postdeparture) are available for transmitting EEI. Predeparture filing requires that all information be reported in AES prior to export (15 CFR 30.4(a) and (b) of the FTR). Postdeparture filing is available only for approved companies (approved by the Census Bureau, U.S. Customs and Border Protection, and BIS) and requires no information to be transmitted prior to export with complete information reported postdeparture no later than five (5) calendar days after the date of exportation (15 CFR 30.4(c) of the FTR).

(a) *Census Bureau's postdeparture application process.* Exporters, or agents applying on behalf of an exporter, may apply for postdeparture privileges by submitting a Letter of Intent to the Bureau of Census (Census Bureau) Census Bureau in accordance with 15 CFR 30.5(a) of the FTR. The Census Bureau will distribute the Letter of Intent to BIS and other agencies participating in the postdeparture approval process. Any agency may notify the Census Bureau that an applicant has failed to meet its acceptance standards, and the Census Bureau will provide a denial letter to the applicant naming the denying agency. If the Census Bureau receives neither notification of denial, nor a request for an extension from the agency within 30 days of the date of referral of the letter of intent to the agency, the applicant is deemed to be approved by that agency. (15 CFR 30.5(c) of the FTR).

(b) *BIS postdeparture evaluation criteria.* BIS will consider the grounds for denial of postdeparture filing status set forth in 15 CFR 30.5(c)(1) of the FTR, as well as the additional grounds for denial set forth in this paragraph.

(1) Applicants have not been approved for postdeparture filing privileges by the Census Bureau or other agency;

(2) Any party to the export transaction is contained on BIS's Denied Party, Entity Lists, [SDN], or Unverified List;

(3) Exports are destined to a country in Country Group E:1 (Supplement No.1 to Part 740 of the EAR);

(4) Exports are made under License Exception Strategic Trade Authorization (STA); are made under authorization Validated End User (VEU); or are ''600 series'' items; or

(5) Exports containing items that require a BIS license or have an ECCN controlled for reasons other than Anti-Terrorism only or Encryption Items.

(c) *Contacts for assistance.* (1) For additional information on the AES in general, please contact the Foreign Trade Division, U.S. Census Bureau, (800) 549–0595, ext. 1.

(2) For information about BIS's postdeparture approval process for items subject to the EAR, contact: Director, Office of Technology Evaluation, Bureau of Industry and Security, (202) 482–4933, facsimile: (202) 482–5361.

**§ 758.3 [Amended]**

■ 19. Section 758.3 is amended by removing the Note to paragraph (b).

■ 20. Section 758.5 is amended by revising paragraphs (b), (c)(1), (c)(2), and (d), to read as follows:

**§ 758.5 Conformity of documents and unloading of items.**

* * * * *

(b) *Conformity of documents.* When a license is issued by BIS, the information entered on related export control documents (e.g., Electronic Export Information (EEI) filing, bill of lading or air waybill) must be consistent with the license.

(c) *Issuance of the bill of lading or air waybill.* (1) *Ports in the country of the ultimate consignee or end user.* No person may issue a bill of lading or air waybill that provides for delivery of licensed items to any foreign port located outside the country of an intermediate consignee, ultimate consignee, or end user named on the BIS license and in the EEI filing.

(2) *Optional ports of unloading.* (i) *Licensed items.* No person may issue a bill of lading or air waybill that provides for delivery of licensed items to optional ports of unloading unless all the optional ports are within the country of ultimate destination or are included on the BIS license and in the EEI filing.

(ii) *Unlicensed items.* For shipments of items that do not require a license, the exporter may designate optional ports of unloading in EEI filing and on other export control documents, so long as the optional ports are in countries to which the items could also have been exported without a license.

(d) *Delivery of items.* No person may deliver items to any country other than the country of an intermediate consignee, ultimate consignee, or end user named on the BIS license and EEI filing without prior written authorization from BIS, except for reasons beyond the control of the carrier (such as acts of God, perils of the sea, damage to the carrier, strikes, war, political disturbances or insurrection).

* * * * *

■ 21. Section 758.7 is amended by revising paragraph (b)(1)(i) to read as follows:

**§ 758.7 Authority of the Office of Export Enforcement, the Bureau of Industry and Security, Customs offices and Postmasters in clearing shipments.**

* * * * *

(b) * * *

(1) * * *

(i) *Purpose of inspection.* All items declared for export are subject to inspection for the purpose of verifying the items specified in the Electronic Export Information (EEI) filing, or if there is no EEI filing, the bill of lading or other loading document covering the items about to be exported, and the value and quantity thereof, and to assure observance of the other provisions of the Export Administration Regulations. This authority applies to all exports within the scope of the Export Administration Act or Export Administration Regulations whether or not such exports require a license issued by BIS. The inspection may include, but is not limited to, item identification, technical appraisal (analysis), or both.

* * * * *

## PART 766—[AMENDED]

■ 22. The authority citation for 15 CFR Part 766 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 23. Supplement No. 1 to Part 766 is amended by revising the ''Related Violations'' paragraph in section III.A., revising paragraph 8. under the heading ''Mitigating Factors'' in section III.B., and revising paragraph 4. under the heading ''Aggravating Factors'' in section III.B. to read as follows:

**Supplement No. 1 to Part 766—Guidance on Charging and Penalty Determinations in Settlement of Administrative Enforcement Cases**

* * * * *

**III. How BIS Determines What Sanctions Are Appropriate in a Settlement**

A. * * *

Related Violations: Frequently, a single export transaction can give rise to multiple violations. For example, an exporter who mis-classifies an item on the Commerce Control List may, as a result of that error, export the item without the required export license and file Electronic Export Information (EEI) to the Automated Export System (AES) that both misstates the applicable Export Control Classification Number (ECCN) and erroneously identifies the export as qualifying for the designation ''NLR'' (no license required). In so doing, the exporter commits three violations: one violation of § 764.2(a) of the EAR for the unauthorized export and two violations of § 764.2(g) for the two false statements on the EEI filing to the AES. It is within the discretion of BIS to charge three separate violations and settle the case for a penalty that is less than would be appropriate for three unrelated violations under otherwise similar circumstances, or to charge fewer than three violations and pursue settlement in accordance with that charging decision. In exercising such discretion, BIS typically looks to factors such as whether the violations resulted from knowing or willful conduct, willful blindness to the requirements of the EAR, or gross negligence; whether they stemmed from the same underlying error or omission; and whether they resulted in distinguishable or separate harm.

* * * * *

B. Specific Mitigating and Aggravating Factors:

* * * * *

Mitigating Factors

* * * * *

8. The violation was not likely to involve harm of the nature that the applicable provisions of the EAA, EAR or other authority (e.g., a license condition) were intended to protect against; for example, a false statement on an Electronic Export Information (EEI) filing to the Automated Export System (AES) that an export was ''NLR,'' when in fact a license requirement was applicable, but a license exception was available.

* * * * *

Aggravating Factors

* * * * *

4. The violation was likely to involve harm of the nature that the applicable provisions of the EAA, EAR or other authority (e.g., a license condition) are principally intended to protect against, e.g., a false statement on an Electronic Export Information (EEI) filing to the Automated Export System (AES) that an export was destined for a non-embargoed country, when in fact it was destined for an embargoed country.

* * * * *

## PART 770—[AMENDED]

■ 24. The authority citation for 15 CFR Part 770 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 25. Section 770.2 is amended by revising paragraphs (e)(2)(ii) and (f), to read as follows:

**§ 770.2 Item interpretations.**

* * * * *

(e) * * *

(2) * * *

(ii) When preparing the Electronic Export Information (EEI) on the Automated Export System (AES), a system being shipped complete (i.e., machine and control unit), should be reported under the Schedule B number for each machine. When either a control unit or a machine is shipped separately, it should be reported under the Schedule B number appropriate for the individual item being exported.

(f) Interpretation 6: ''Parts,'' ''accessories,'' and equipment exported as scrap. ''Parts,'' ''accessories,'' or equipment that are being shipped as scrap should be described on the EEI filing to the AES in sufficient detail to be identified under the proper ECCN.

When commodities declared as ''parts,'' ''accessories,'' or equipment are shipped in bulk, or are otherwise not packaged, packed, or sorted in accordance with normal trade practices, the Customs Officer may require evidence that the shipment is not scrap. Such evidence may include, but is not limited to, bills of sale, orders and correspondence indicating whether the commodities are scrap or are being exported for use as ''parts,'' ''accessories,'' or equipment.

* * * * *

## PART 772—[AMENDED]

■ 26. The authority citation for 15 CFR Part 772 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

### § 772.1 [Amended]

■ 27. Section 772.1 is amended by revising the following definitions ''Automated Export System (AES)'', ''export control document'', ''exporter'', and ''NLR'', to read as follows:

### § 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

*Automated Export System (AES).* AES is a nationwide system operational at all ports and for all methods of transportation through which export shipment data required by multiple agencies is filed electronically to U.S. Customs and Border Protection, using the efficiencies of Electronic Data Interchange (EDI). AES allows the export information to be collected electronically and edited immediately. For more information about AES, visit the Bureau of Census Web site at: *http://www.census.gov/foreign-trade/aes/index.html* or see 15 CFR Part 30 the Foreign Trade Regulations

* * * * *

*Export control document.* A license; application for license; any and all documents submitted in accordance with the requirements of the EAR in support of, or in relation to, a license application; application for International Import Certificate; Delivery Verification Certificate or similar evidence of delivery; Electronic Export Information (EEI) on the Automated Export System (AES) presented in connection with shipments to any country; a Dock Receipt or bill of lading issued by any carrier in connection with any export subject to the EAR and any and all documents prepared and submitted by exporters and agents pursuant to the export clearance requirements of Part 758 of the EAR; a U.S. exporter's report of request received for information, certification, or other action indicating a restrictive trade practice or boycott imposed by a foreign country against a country friendly to the United States, submitted to the U.S. Department of Commerce in accordance with the provisions of Part 760 of the EAR; Customs Form 7512, Transportation Entry and Manifest of Goods, Subject to Customs Inspection and Permit, when used for Transportation and Exportation (T. & E.) or Immediate Exportation (I.E.); and any other document issued by a U.S. Government agency as evidence of the existence of a license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an export from the United States or any reexport of any item requiring a license.

*Exporter.* The person in the United States who has the authority of a principal party in interest to determine and control the sending of items out of the United States.

* * * * *

*NLR.* NLR (''no license required'') is a symbol entered on the Electronic Export Information filing on the Automated Export System certifying that no license is required.

* * * * *

Dated: January 21, 2014.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

[FR Doc. 2014–01604 Filed 1–28–14; 8:45 am]

BILLING CODE 3510–33–P

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## TENNESSEE VALLEY AUTHORITY

## 18 CFR Part 1304

## Approval of Construction in the Tennessee River System; Revisions to Administrative Appeals Process; Job Title and Address Updates

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Final rule.

**SUMMARY:** The Tennessee Valley Authority (TVA) is making non-substantive changes to Title 18 of the Code of Federal Regulations. The purpose of this rule is to amend the process for issuing final determinations on administrative appeals of permitting decisions under section 26a of the TVA Act. Formerly, final determinations were made by the TVA Board of Directors. In 2004, the TVA Act was amended to change TVA's governance structure from a three-member, full time board to a nine-member, part-time policy board with a chief executive officer (CEO). Accordingly, the TVA Board approved revisions to the section 26a appeals process to provide for an appeal to the CEO followed by a discretionary review by a committee of the Board. The revised appeals process is consistent with the new governance structure. This rule amends TVA's published regulations to incorporate the revisions approved by the Board and to make the regulations consistent with the change in TVA's governance structure. TVA is also making minor changes to update addresses and job and organizational titles.

**DATES:** This final rule is effective January 29, 2014.

**FOR FURTHER INFORMATION CONTACT:** Rebecca C. Tolene, Vice President Natural Resources, Tennessee Valley Authority, Knoxville, Tennessee, (865–632–4433).

**SUPPLEMENTARY INFORMATION:**

### I. Legal Authority

This rule is promulgated under the authority of the Tennessee Valley Authority Act of 1933, *as amended,* 16 U.S.C. 831–831ee.

### II. Background

Section 26a of the TVA Act requires that TVA's approval be obtained prior to the construction, operation, or maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries. TVA's rules governing such approval are codified at 18 CFR Part 1304. The rules include an appeals process whereby an applicant who is not satisfied with an initial permitting decision may obtain administrative review of that decision.

Previously, when TVA was governed by a three-member, full-time board, dissatisfied applicants who exhausted their intermediate appeal rights could appeal TVA's permitting decisions to the full TVA Board for final determination. That stage of the appeals process became obsolete, however, when Congress amended the TVA Act to change TVA's governance structure to a nine-member, part-time policy board with a chief executive officer. 118 Stat. 2963–2967, 16 U.S.C. 831a.

Hence, this rule amends the appeals process to make it consistent with TVA's governance structure. Instead of a final appeal to the full TVA Board, dissatisfied applicants who have exhausted their intermediate appeal rights may appeal to TVA's CEO, with an opportunity for further discretionary

review by a committee of the Board (Committee). The Committee will review the CEO's decision only if one or more Committee members determine that extraordinary circumstances exist that warrant further review. The rule also makes minor changes necessary to update addresses and job and organizational titles.

TVA is promulgating this rule as a direct final rule with an immediate effective date. TVA did not publish a notice of proposed rulemaking for this rule because it is exempt from notice and comment rulemaking requirements under 5 U.S.C. 553(a)(2) and 553(b)(A) and (b)(B). The rule relates to agency management, and it is a rule of agency organization, procedure, or practice.

**III. Administrative Requirements**

*Unfunded Mandates Reform Act and various Executive Orders, Including E.O. 12866, Regulatory Planning and Review; E.O. 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 13045, Protection of Children From Environmental Health Risks; E.O. 13132, Federalism; E.O. 13175, Consultation and Coordination With Indian Tribal Governments; E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use; and E.O. 12988, Civil Justice Reform Act*

The rule contains no federal mandates for State, local or tribal governments or for the private sector. Issuance of the rule does not constitute a significant regulatory action. The rule will not have an annual affect on the economy of $100 million or more, and it will not result in expenditures of $100 million in any one year by state, local, and tribal governments or the private sector. The rule will not have a substantial direct affect on the States or Indian tribes, on the relationship between the Federal Government and the States or Indian tribes, or on the distribution of power and responsibilities between the federal Government and States or Indian tribes. Unified development and regulation of the Tennessee River system through an approval process for obstructions in or along the river system, and management of United States-owned land entrusted to TVA are federal functions for which TVA is responsible under the TVA Act. The rule simply codifies a change in TVA's procedure for reviewing denials of Section 26a permit applications. The rule does not concern an environmental health risk or safety risk that may disproportionately affect children, minority populations, or low-income populations. The rule is not likely to have a significant adverse affect on the supply, distribution, or use of energy.

**List of Subjects in 18 CFR Part 1304**

Administrative practice and procedure, Natural resources, Navigation (water), Rivers, Water pollution control.

For the reasons set forth in the preamble, title 18, Chapter XIII of the Code of Federal Regulations is amended as follows:

## PART 1304—APPROVAL OF CONSTRUCTION IN THE TENNESSEE RIVER SYSTEM AND REGULATION OF STRUCTURES AND OTHER ALTERATIONS

■ 1. The authority citation for 18 CFR Part 1304 continues to read as follows:

**Authority:** 16 U.S.C. 831–831ee.

■ 2. Amend § 1304.2 by revising paragraph (b) to read as follows:

**§ 1304.2 Application.**

* * * * *

(b) Applications shall be addressed to the Tennessee Valley Authority at the appropriate Regional Watershed Office location using the addresses provided below. To contact an office, call 1–800–882–5263. Applications are available on TVA's internet Web site and at the addresses listed below.

(1) For Chickamauga and Nickajack Reservoirs: 1101 Market Street, PSC 1E–C, Chattanooga, TN 37402–2801;

(2) For Apalachia, Blue Ridge, Chatuge, Hiwassee, Nottely, and the Ocoee Reservoirs: 4800 US Highway 64 West, Suite 102, MLO 1A–MRN, Murphy, NC 28906;

(3) For Guntersville, Normandy, and Tims Ford Reservoirs: 3696 Alabama Highway 69, CAB 1A–GVA, Guntersville, AL 35976–7196;

(4) For Cherokee, Douglas, and Nolichucky Reservoirs and the French Broad River: 3726 E. Morris Boulevard, MOC 1A–MOT, Morristown, TN 37813–1270;

(5) For Boone, Fort Patrick Henry South Holston, Watauga, and Wilbur Reservoirs and the Bristol Project: 106 Tri-Cities Business Park Drive, WTR 1A–GRT, Gray, TN 37615;

(6) For the Beech River Project, Kentucky Reservoir, and the Lower Duck River: 2835–A East Wood Street, WTB 1A–PAT, Paris, TN 38242–5948;

(7) For Fontana, Fort Loudon, Great Falls, Melton Hill, Norris, Tellico, and Watts Bar Reservoirs, and the Little Tennessee, Clinch, and Powell Rivers: 260 Interchange Park Dr., LCB 1A–LCT, Lenoir City, TN 37772–5664;

(8) For Bear Creek, Cedar Creek, Little Bear Creek, Upper Bear Creek, and the Duck and Elk Rivers, and Pickwick, Wheeler and Wilson Reservoirs: P.O. Box 1010, MPB 1H–M, Muscle Shoals, AL 35662–1010.

* * * * *

■ 3. Revise § 1304.3 to read as follows:

**§ 1304.3 Delegation of authority.**

The power to approve or disapprove applications under this part is delegated to the Vice President, Natural Resources, or the designee thereof, subject to appeal to the Chief Executive Officer and discretionary review by a designated committee of the TVA Board, as provided in § 1304.6. The administration of applications is delegated to the Natural Resources staff or the group with functionally equivalent responsibilities.

■ 4. Revise § 1304.4 to read as follows:

**§ 1304.4 Application review and approval process.**

(a) TVA shall notify the U.S. Army Corps of Engineers (USACE) and other federal agencies with jurisdiction over the application as appropriate.

(b) If a hearing is held for any of the reasons described in paragraph (c) of this section, any interested person may become a party of record by following the directions contained in the hearing notice.

(c) Hearings concerning approval of applications are conducted (in accordance with § 1304.5) when:

(1) TVA deems a hearing is necessary or appropriate in determining any issue presented by the application;

(2) A hearing is required under any applicable law or regulation;

(3) A hearing is requested by the USACE pursuant to the TVA/Corps joint processing Memorandum of Understanding; or

(4) The TVA Investigating Officer directs that a hearing be held.

(d) Upon completion of the review of the application, including any hearing or hearings, the Vice President or the designee thereof shall issue an initial decision approving or disapproving the application. The basis for the decision shall be set forth in the decision.

(e) Promptly following the issuance of the decision, the Vice President or the designee thereof shall furnish a written copy of the decision to the applicant and to any parties of record. The initial decision shall become final unless an appeal is made pursuant to § 1304.6.

■ 5. Revise § 1304.5 to read as follows:

**§ 1304.5 Conduct of hearings.**

(a) If a hearing is to be held for any of the reasons described in § 1304.4(c), TVA shall give notice of the hearing to interested persons. Such notice may be

given by publication in a daily newspaper of general circulation in the area of the proposed structure, personal written notice, posting on TVA's Internet Web site, or by any other method reasonably calculated to come to the attention of interested persons. The notice shall provide to the extent feasible the place, date, and time of hearing; the particular issues to which the hearing will pertain; the manner of becoming a party of record; and any other pertinent information as appropriate. The applicant shall automatically be a party of record.

(b) Hearings may be conducted by any such person or persons as may be designated by the Vice President, the Vice President's designee, or the Chief Executive Officer. Hearings are public and are conducted in an informal manner. Parties of record may be represented by counsel or other persons of their choosing. Technical rules of evidence are not observed although reasonable bounds are maintained as to relevancy, materiality, and competency. Evidence may be presented orally or by written statement and need not be under oath. Cross-examination by parties of witnesses or others providing statements or testifying at a hearing shall not be allowed. After the hearing has been completed, additional evidence will not be received unless it presents new and material matter that in the judgment of the person or persons conducting the hearing could not be presented at the hearing. The Vice President may arrange a joint hearing with another federal agency where the subject of an application will require the approval of and necessitate a hearing by or before that other agency. In TVA's discretion, the format of any such joint hearing may be that used by the other agency.

■ 6. Revise § 1304.6 to read as follows:

**§ 1304.6 Appeals.**

(a) Decisions approving or disapproving an application may be appealed as provided in this section. Decisions by the Vice President's designee may be appealed to the Vice President and decisions by the Vice President may be appealed to the Chief Executive Officer, with the possibility of further discretionary review by a committee of the TVA Board.

(b) If a designee of the Vice President issues an initial decision disapproving an application or approving it with terms and conditions deemed unacceptable by the applicant, the applicant may obtain the Vice President's review of that decision by mailing within thirty (30) days after receipt of the designee's decision a written request to the Vice President, Natural Resources, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902. Otherwise, the initial decision of the Vice President's designee becomes final.

(c) If the Vice President, either initially or as the result of an appeal, disapproves an application or approves it with terms and conditions deemed unacceptable by the applicant, the applicant may obtain the Chief Executive Officer's review of that decision by mailing within thirty (30) days after receipt of the decision a written request to the Chief Executive Officer, Tennessee Valley Authority, 400 W. Summit Hill Drive, Knoxville, Tennessee 37902. Otherwise, the Vice President's decision becomes final.

(d) The decision of the Chief Executive Officer shall become final unless a request for discretionary review by a committee of the Board (Committee) is justified by extraordinary circumstances and mailed within thirty (30) days after receipt of the decision to the attention of Board Services, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902. If within 60 days of such a request, one or more members of the Committee indicate that there are extraordinary circumstances warranting further review, the matter will be reviewed by the Committee. Otherwise, the Chief Executive Officer's decision becomes final. The Committee will schedule a meeting not more often that twice a year as needed to hear discretionary appeals. The Committee decides what kind of process to use for these appeals. Deliberations and voting on the reviews will take place at these meetings.

(e) Any interested party who becomes a party of record at a hearing as set forth in § 1304.4(b) and who is aggrieved or adversely affected by any decision approving an application may obtain review by the Vice President or Chief Executive Officer, as appropriate, and may request discretionary review by the Committee, in the same manner as an applicant by adhering to the requirements of paragraphs (b), (c), and (d) of this section.

(f) All requests for review shall fully explain the reasons the applicant or other aggrieved party of record contends that the decision below is in error, and shall include a signed certification that the request for review was mailed to each party of record at the same time that it was mailed to TVA. TVA shall maintain lists of parties of record and make those available upon request for this purpose.

(g) The applicant and any party of record requesting review by the Vice President or Chief Executive Officer may submit additional written material in support of their positions within thirty (30) days after mailing the request for review or during such additional period as the Vice President or Chief Executive Officer may allow.

(h) In considering an appeal, the Vice President or Chief Executive Officer may conduct or cause to be conducted such investigation of the application as he or she deems necessary or desirable, and may appoint an Investigating Officer. The Investigating Officer may be a TVA employee or a person under contract to TVA, and shall not have been directly and substantially involved in the decision being appealed. The Investigating Officer may be the hearing officer for any hearing held during the appeal process. The Vice President or Chief Executive Officer shall render a decision approving or disapproving the application based on a review of the record and the information developed during any investigation and/or submitted by the applicant and any parties of record.

(i) No applicant or party of record shall contact the Chief Executive Officer, Committee members, or any other TVA Board member during the appeal process, except as specified in correspondence from the Chief Executive Officer or from the Committee Secretary. The appeal process runs from the date of an appeal to the Chief Executive Officer until a final resolution of the matter.

(j) A written copy of the decision by the Vice President or the Chief Executive Officer shall be furnished to the applicant and to all parties of record promptly following determination of the matter.

(k) In the event the Committee grants a request for discretionary review, notice of that decision and information about the review shall be provided to the person(s) requesting review and to other parties of record in accordance with the methods set forth in § 1304.5(a). Written notice of the Committee's final determination of the appeal shall be provided to the applicant and to all parties of record in accordance with the methods set forth in § 1304.5(a).

■ 7. In § 1304.412, add definitions of ''Chief Executive Officer,'' ''Committee,'' and ''TVA Investigating Officer'' in alphabetical order, and revise the definition of ''Vice President,'' to read as follows:

**§ 1304.412 Definitions.**

* * * * *

*Chief Executive Officer* means the Chief Executive Officer, TVA.

*Committee* means a committee of the TVA Board of Directors that has been designated by the TVA Board to hear appeals under this regulation.

* * * * *

*TVA Investigating Officer* means a TVA employee or a person under contract to TVA appointed by the Vice President or the CEO to investigate any issue concerning an appeal of a decision on an application under this part.

* * * * *

*Vice President* means the Vice President, Natural Resources, TVA, or a position with functionally equivalent supervisory responsibilities.

* * * * *

**Rebecca C. Tolene,**

*Vice President, Natural Resources.*

[FR Doc. 2014–01676 Filed 1–28–14; 8:45 am]

BILLING CODE 8120–08–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 31

**[TD 9645]**

**RIN 1545–BK54**

### Rules Relating to Additional Medicare; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains corrections to final regulations (TD 9645) that were published in the **Federal Register** on Friday, November 29, 2013. The final regulations are relating to Additional Hospital Insurance Tax on income above threshold amounts, as added by the Affordable Care Act.

**DATES:** This correction is effective January 29, 2014 and applicable beginning November 29, 2013.

**FOR FURTHER INFORMATION CONTACT:** Andrew K. Holubeck, at (202) 317–4774 (not a toll free number).

**SUPPLEMENTARY INFORMATION:**

### Background

The final regulations (TD 9645) that are the subject of this correction are issued in connection with the Additional Hospital Insurance Tax on income above threshold amounts (''Additional Medicare Tax''), as added by section 9015 of the Patient Protection and Affordable Care Act (PPACA), Public Law 111–148 (124 Stat. 119 (2010)), and as amended by section 10906 of the PPACA and section 1402(b) of the Health Care and Education Reconciliation Act of 2010, Public Law 111–152.

### Need for Correction

As published, the final regulations (TD 9645), published November 29, 2013 (78 FR 71468), contain errors that may prove to be misleading and are in need of clarification.

### List of Subjects in 26 CFR Part 31

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social Security, Unemployment compensation.

### Correction of Publication

Accordingly, 26 CFR Part 31 is corrected by making the following correcting amendments:

## PART 31—EMPLOYMENT TAXERS AND COLLECTION OF INCOME TAX AT THE SOURCE

■ **Paragraph 1.** The authority citation for part 31 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 31.3101–2 is amended by revising paragraph (d) to read as follows:

**§ 31.3101–2 Rates and computation of employee tax.**

* * * * *

(d) *Effective/applicability date.* Paragraphs (a), (b), and (c) of this section apply to quarters beginning on or after November 29, 2013.

■ **Par. 3.** Section 31.6011(a)–1 is amended by revising the first sentence of paragraph (g) to read as follows:

**§ 31.6011(a)–1 Returns under Federal Insurance Contributions Act.**

* * * * *

(g) * * * An employee who is paid wages, as defined in section 3121(a), subject to the tax under section 3101(b)(2) (Additional Medicare Tax), must make a return for the taxable year in respect of such tax. * * *

* * * * *

■ **Par. 4.** Section 31.6413(a)–2 is amended by revising paragraph (e) to read as follows:

**§ 31.6413(a)–2 Adjustments of overpayments.**

* * * * *

(e) *Effective/applicability date.* Paragraphs (a) and (b) of this section apply to adjusted returns filed on or after November 29, 2013.

**Martin V. Franks,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 2014–01619 Filed 1–28–14; 8:45 am]

BILLING CODE 4830–01–P

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1630

### Regulations To Implement the Equal Employment Provisions of the Americans With Disabilities Act

*CFR Correction*

In Title 29 of the Code of Federal Regulations, Parts 900 to 1899, revised as of July 1, 2013, on page 397, in the Appendix to Part 1630, under Section 1630.2(o), after the third paragraph, the following paragraph is reinstated:

**Appendix to Part 1630—Interpretive Guidance on Title I of the Americans With Disabilities Act**

* * * * *

*Section 1630.2(o) Reasonable Accommodation*

* * * * *

Part 1630 lists the examples, specified in title I of the ADA, of the most common types of accommodation that an employer or other covered entity may be required to provide. There are any number of other specific accommodations that may be appropriate for particular situations but are not specifically mentioned in this listing. This listing is not intended to be exhaustive of accommodation possibilities. For example, other accommodations could include permitting the use of accrued paid leave or providing additional unpaid leave for necessary treatment, making employer provided transportation accessible, and providing reserved parking spaces. Providing personal assistants, such as a page turner for an employee with no hands or a travel attendant to act as a sighted guide to assist a blind employee on occasional business trips, may also be a reasonable accommodation. Senate Report at 31; House Labor Report at 62; House Judiciary Report at 39.

* * * * *

[FR Doc. 2014–01850 Filed 1–28–14; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 117

**[Docket No. USCG–2013–1036]**

### Drawbridge Operation Regulation; Hillsborough River, Tampa, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Hillsborough Avenue Bridge across the Hillsborough River, mile 4.8, at Tampa, Florida, to facilitate repairs. The deviation is necessary to provide repair personnel the time needed to safely remove equipment on the bridge prior to opening. This deviation allows the bridge a limited opening providing 20 feet of vertical clearance if four hours advanced notice is given. Special arrangements with the bridge owner can be made for full openings.

**DATES:** This rule is effective without actual notice from January 29, 2014 until 7 p.m. on May 30, 2014. For the purposes of enforcement, actual notice will be used from 7 a.m. on January 6, 2014, until January 29, 2014.

**ADDRESSES:** The docket for this deviation, [USCG–2013–1036] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Michael Lieberum, Chief Operations Section, Seventh Coast Guard District, Bridge Branch; telephone 305–415–6744, email *michael.b.lieberum@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** The Florida Department of Transportation (FDOT) requested that the Hillsborough Avenue Bridge across the Hillsborough River, Tampa, Florida regulation be temporarily changed during the repairs to this bridge. The vertical clearance of the bridge in the closed position is 10 feet. per 33 CFR 117.291(a), ''[t]he drawspans for the drawbridges at Platt Street, mile 0.0, Brorein Street, mile 0.16, Kennedy Boulevard, mile 0.4, Cass Street, mile 0.7, Laurel Street, mile 1.0, West Columbus Drive, mile 2.3, and West Hillsborough Avenue, mile 4.8, must open on signal if at least two hours notice is given; except that, the drawspan must open on signal as soon as possible for public vessels of the United States.''

An FDOT contractor originally requested to place the bridge on a four hour notice for a 20 foot vertical clearance opening from November 2013 through August 2014. This request was contested by the local marine community; therefore, the Coast Guard sought measures to ensure the bridge work could be conducted safely without unreasonably obstructing navigation through this area. Based on documentation received and subsequent coordination with FDOT and local marine interests, the Coast Guard determined that the following restrictions to the Hillsborough Avenue Bridge do not unreasonably restrict navigation and provide for the safety of workers and the movable bridge structure.

The Hillsborough Avenue Bridge will open to a height of 20 feet of vertical clearance with a four hour notice to the bridge tender. The normal vertical clearance of the bridge in the closed position of 10 feet will be reduced by 4 feet to accommodate the painting tarps. Vessels requiring less than six feet of vertical clearance may pass at any time. Vessels requiring more than 20 feet of vertical clearance need to contact Mr. Jim Fitzer, the project manager, at 813–636–2451 to coordinate a scheduled opening. Additionally, approximately 10 nighttime closures from 8:00 p.m. until 6:00 a.m. may be required to complete repairs to Hillsborough Avenue Bridge. Notice will be published when these nighttime closures are required.

The Coast Guard will inform waterway users of the change in operating schedule for this bridge through the Local Notice to Mariners. Mariners are advised to use this information in order to arrange safe transit through this bridge and minimize any delay caused by this temporary deviation.

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

Dated: January 3, 2014.

**B. Dragon,**

*Director, Seventh Coast Guard District, Bridge Administration.*

[FR Doc. 2014–01600 Filed 1–28–14; 8:45 am]

BILLING CODE 9110–04–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

**[EPA–HQ–OPP–2013–0014; FRL–9903–88]**

### Indaziflam; Pesticide Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of indaziflam in or on coffee, banana, and palm oil. Bayer Crop Science requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective January 29, 2014. Objections and requests for hearings must be received on or before March 31, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0014, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. 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 OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:** Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 703–305–7090; email address: *RDFRNotices@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. General Information

*A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

*B. How can I get electronic access to other related information?*

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

*C. How can I file an objection or hearing request?*

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0014 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before March 31, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0014, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

## II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 15, 2013 (78 FR 32) (FRL–9378–4), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E8125) by Bayer Crop Science, 2 T.W. Alexander Drive; P.O. Box 12014; Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.653 be amended by establishing tolerances for residues of the herbicide indaziflam, N-[(1R, 2S)-2,3-dihydro-2,6-dimethyl-1H-inden-1-yl-1,3,5-triazine-2,4-diamine]-6-(1-fluoroethyl) and its fluoroethyl-indaziflam metabolite, each expressed as the parent compound, in or on coffee at 0.01 part per million (ppm), banana at 0.01 ppm, and palm oil at 0.03 ppm. That document referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available in the docket, *http://www.regulations.gov.* A comment was received on the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

## III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for indaziflam including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with indaziflam follows.

*A. Toxicological Profile*

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The nervous system is the major target for indaziflam toxicity in rats and dogs, with the dog being the more sensitive species based on neuropathology (degenerative nerve fibers in the brain, spinal cord and sciatic nerve). Clinical signs of neurotoxicity were observed in the acute, subchronic, and developmental neurotoxicity studies and consisted primarily of tremors, changes in activity and reactivity, repetitive chewing, dilated pupils, and oral, perianal, and nasal staining. Similar clinical signs of neurotoxicity were observed in the 2-generation reproduction study, the rat chronic toxicity study, and the combined rat carcinogenicity/chronic toxicity study. Neuropathology findings were also observed in the rat manifested as focal/multifocal vacuolation of the median eminence of the brain and the pituitary *pars nervosa* and degenerative nerve fibers in the gasserian ganglion, sciatic nerve, and tibial nerve. Evidence of neurotoxicity was not seen in the mouse.

Other organs affected by indaziflam in mice and rats include the kidney, liver, thyroid, stomach, seminal vesicles, and ovaries. Effects on the kidney were observed following chronic exposure in rats and mice while effects on the liver were observed following chronic exposure in the rat. Effects on the thyroid were only observed in multiple

dose rat studies. Chronic exposures also lead to atrophied or small seminal vesicles in male and female mice. However, these effects occurred at higher doses than those at which neurotoxicity was observed in the dog.

Decreased body weight gain was observed in most studies following exposure to indaziflam. There was no evidence of immunotoxicity in the available studies, which included a guideline immunotoxocity study in the rat. No systemic effects were observed in the rat following a 28-day dermal exposure period.

No evidence of increased quantitative or qualitative susceptibility was seen in developmental toxicity studies in rats and rabbits or in a reproduction study in rats. In the rat developmental toxicity study, decreased fetal weight was observed in the presence of maternal effects that included decreased body weight gain and food consumption. No developmental effects were observed in rabbits up to maternally toxic dose levels. Decreased pup weight and delays in sexual maturation (preputial separation in males and vaginal patency in females) were observed in the rat 2-generation reproductive toxicity study, along with clinical signs of toxicity, at a dose causing parental toxicity that included coarse tremors, renal toxicity and decreased weight gain. In the developmental neurotoxicity study, transiently decreased motor activity (PND 21 only) in male offspring was observed and was considered a potential neurotoxic effect. It was observed at a dose that also caused clinical signs of neurotoxicity along with decreased body weight in maternal animals.

Indaziflam showed no evidence of carcinogenicity in the 2-year dietary rat and mouse bioassays. All genotoxicity studies that were conducted on indaziflam were negative.

Testing in acute lethality studies with indaziflam resulted in low toxicity via the oral, dermal, and inhalation routes of exposure. Indaziflam was not an irritant to eyes Category IV) or skin and was not a skin sensitizer.

Specific information on the studies received and the nature of the adverse effects caused by indaziflam as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document *Indaziflam. Human Health Risk Assessment to Support Proposed New Import Tolerances (Without a U.S. Registration) on Banana, Coffee, and Palm Oil* at page 33 in docket ID number EPA–HQ–OPP–2013–0014.

*B. Toxicological Points of Departure/Levels of Concern*

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for indaziflam used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR INDAZIFLAM FOR USE IN HUMAN HEALTH RISK ASSESSMENT

| Exposure/scenario | Point of departure and uncertainty/safety factors | RfD, PAD, LOC for risk assessment | Study and toxicological effects |
|---|---|---|---|
| Acute dietary (General population including infants and children). | NOAEL = 7.5 mg/kg/day ...<br>$UF_A$ = 10x<br>$UF_H$ =10x<br>FQPA SF = 1x | Acute RfD = 0.075 mg/kg/day.<br>aPAD = 0.075 mg/kg/day. | Subchronic Gavage Toxicity Study in Dogs.<br>LOAEL = 15 mg/kg/day based on axonal degenerative microscopic findings in the brain, spinal cord and sciatic nerve. |
| Chronic dietary (All populations) ..... | NOAEL= 2 mg/kg/day .....<br>$UF_A$ = 10x<br>$UF_H$ = 10x<br>FQPA SF = 1x | Chronic RfD = 0.02 mg/kg/day.<br>cPAD = 0.02 mg/kg/day. | Chronic Dietary Toxicity Study in Dogs.<br>LOAEL = 6/7 mg/kg/day M/F based on nerve fiber degenerative lesions in the brain, spinal cord and sciatic nerve. |
| Incidental oral short-term (1 to 30 days) ..... | NOAEL= 7.5 mg/kg/day ....<br>$UF_A$ = 10x<br>$UF_H$ = 10x<br>FQPA SF = 1x | LOC for MOE = 100 ..... | Subchronic Gavage Toxicity Study in Dogs.<br>LOAEL = 15 mg/kg/day based on axonal degenerative microscopic findings in the brain, spinal cord and sciatic nerve. |
| Incidental oral intermediate-term (1 to 6 months) ..... | NOAEL= 7.5 mg/kg/day ....<br>$UF_A$ = 10x<br>$UF_H$ = 10x<br>FQPA SF = 1x | LOC for MOE = 100 ..... | Subchronic Gavage Toxicity Study in Dogs.<br>LOAEL = 15 mg/kg/day based on axonal degenerative microscopic findings in the brain, spinal cord and sciatic nerve. |

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR INDAZIFLAM FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

| Exposure/scenario | Point of departure and uncertainty/safety factors | RfD, PAD, LOC for risk assessment | Study and toxicological effects |
|---|---|---|---|
| Dermal short-term (1 to 30 days) | Dermal (or oral) study NOAEL = 7.5 mg/kg/day (dermal absorption factor) = 7.3%. $UF_A$ = 10x $UF_H$ = 10x FQPA SF = 1x | LOC for MOE = 100 | Subchronic Gavage Toxicity Study in Dogs. LOAEL = 15 mg/kg/day based on axonal degenerative microscopic findings in the brain, spinal cord and sciatic nerve. |
| Dermal intermediate-term (1 to 6 months) | Dermal (or oral) study NOAEL = 7.5 mg/kg/day (dermal absorption factor) = 7.3%. $UF_A$ = 10x $UF_H$ = 10x FQPA SF = 1x | LOC for MOE = 100 | Subchronic Gavage Toxicity Study in Dogs. LOAEL = 15 mg/kg/day based on axonal degenerative microscopic findings in the brain, spinal cord and sciatic nerve. |
| Inhalation short-term (1 to 30 days) | Inhalation (or oral) study NOAEL = 7.5 mg/kg/day (Inhalation toxicity considered equivalent to oral toxicity). $UF_A$ = 10x $UF_H$ = 10x FQPA SF = 1x | LOC for MOE = 100 | Subchronic Gavage Toxicity Study in Dogs. LOAEL = 15 mg/kg/day based on axonal degenerative microscopic findings in the brain, spinal cord and sciatic nerve. |
| Inhalation (1 to 6 months) | Inhalation (or oral) study NOAEL = 7.5 mg/kg/day (Inhalation toxicity considered equivalent to oral toxicity). $UF_A$ = 10x $UF_H$ = 10x FQPA SF = 1x | LOC for MOE = 100 | Subchronic Gavage Toxicity Study in Dogs. LOAEL = 15 mg/kg/day based on axonal degenerative microscopic findings in the brain, spinal cord and sciatic nerve. |
| Cancer (Oral, dermal, inhalation) | No evidence of carcinogenicity. Classified as "Not Likely to be Carcinogenic to Humans." | | |

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligrams/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. $UF_A$ = extrapolation from animal to human (interspecies). $UF_H$ = potential variation in sensitivity among members of the human population (intraspecies). $UF_L$ = use of a LOAEL to extrapolate a NOAEL.

*C. Exposure Assessment*

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to indaziflam, EPA considered exposure under the petitioned-for tolerances as well as all existing indaziflam tolerances in 40 CFR 180.653. EPA assessed dietary exposures from indaziflam in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for indaziflam. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA)'s 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, the acute dietary assessment assumes 100% crop treated (PCT) along with tolerance or maximum residue level estimates for indaziflam. It used DEEM–WWEIA analyses to estimate the dietary exposure of the U.S. population and various population subgroups.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA's 2003–2008 NHANES/WWEIA. As to residue levels in food, the chronic dietary assessment used the same residue levels, analysis and PCT assumptions used in the acute dietary assessment.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that indaziflam does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for indaziflam. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for indaziflam in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of indaziflam. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of indaziflam equivalents for acute exposures are estimated to be 84 parts per billion (ppb) for surface water and 3.7 ppb for ground water. For chronic exposures for non-cancer assessments

the estimates are 26 ppb for surface water and 3.7 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 84 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 26 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Indaziflam is currently registered for the following uses that could result in residential exposures: Home lawn/turf and gardens/tree uses. There are no new indaziflam residential uses associated with this regulatory action. A re-evaluation of existing indaziflam residential uses was conducted to incorporate updated policies and guidance in place since previous risk assessments. Short-term dermal and inhalation handler exposures for residential are expected for those making applications at their homes and short-term dermal and incidental oral exposures are expected via contact with residues following applications in outdoor home environments. For adults, the highest exposure was from dermal post-application high-contact (playing) activities on treated turf during spray applications. The highest exposure scenarios for children 1<2 years old were from dermal post-application high-contact (playing) and incidental oral exposure from treated turf. These exposure scenarios were then combined to determine a total residential exposure and risk estimate for children to be used for the aggregate assessment. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found indaziflam to share a common mechanism of toxicity with any other substances, and indaziflam does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that indaziflam does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

### *D. Safety Factor for Infants and Children*

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The toxicology database for indaziflam consists of developmental toxicity studies in rats and rabbits and a reproduction study in rats. No developmental effects were observed in rabbits up to maternally toxic dose levels. Offspring effects in the developmental toxicity study in rats, developmental neurotoxicity study in rats, and the multigeneration toxicity study in rats only occurred in the presence of maternal toxicity and were not considered more severe than the parental effects. EPA concluded that there is no evidence of increased quantitative or qualitative susceptibility to rat or rabbit fetuses exposed *in utero* and/or post-natally to indaziflam.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The toxicity database for indaziflam is complete.

ii. The endpoints selected for risk assessment are based on and are protective of the neurotoxic effects seen in the guideline studies.

iii. There is no evidence that indaziflam results in increased susceptibility *in utero* in rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on tolerance or maximum residue levels for residues of concern and assumed 100 PCT. EPA made conservative (protective) assumptions in the ground water and surface water modeling used to assess exposure to indaziflam in drinking water. EPA used similarly conservative assumptions to assess dermal post-application exposure as well as incidental oral exposure of children. These assessments will not underestimate the exposure and risks posed by indaziflam.

### *E. Aggregate Risks and Determination of Safety*

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to indaziflam will occupy 19% of the aPAD for infants <1 year old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to indaziflam from food and water will utilize 8% of the cPAD for infants <1 year old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of indaziflam is not expected.

3. *Short-and intermediate-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Indaziflam is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to indaziflam.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 1,400 for adults (post-application) and 560 for children (post-application). Because EPA's level of concern for indaziflam is a MOE of 100 or below, these MOEs are not of concern.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, indaziflam is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to indaziflam residues.

## IV. Other Considerations

### *A. Analytical Enforcement Methodology*

Adequate enforcement methodology (liquid chromatography with tandem mass spectrometry detection [LC/MS/MS] method (DH–003–P07–02) for fruit and nut tree matrices for indaziflam and FDAT) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

### *B. International Residue Limits*

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for indaziflam.

### *C. Response to Comments*

EPA received a comment to the notice of filing which said that pesticide residues should not be increased. The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned on agricultural crops. However, the existing legal framework provided by section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA) states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. This citizen's comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that EPA has acted in violation of the statutory framework.

## V. Conclusion

Therefore, tolerances are established for residues of indaziflam, N-[(1R, 2S)-2,3-dihydro-2,6-dimethyl-1H-inden-1-yl-1,3,5-triazine-2,4-diamine]-6-(1-fluoroethyl) and its fluoroethyl-indaziflam metabolite, each expressed as the parent compound, in or on coffee, green bean at 0.01 ppm, banana at 0.01 ppm, and palm oil at 0.03 ppm.

## VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

## VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

## List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 10, 2014.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

## PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.653, alphabetically add the following commodities, redesignate footnote 1 as footnote 2, and add a new footnote 1 to the table in paragraph (a) to read as follows:

**§ 180.653 Indaziflam; tolerances for residues.**

(a) *General.* * * *

| Commodity | Parts per million |
|---|---|
| * * * * * | |
| Banana [1] | 0.01 |
| Coffee, green bean [1] | 0.01 |
| * * * * * | |
| Palm, oil [1] | 0.03 |
| * * * * * | |

[1] No U.S. Registrations as of 12/02/2013.

* * * * *

[FR Doc. 2014–01363 Filed 1–28–14; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 48 CFR Part 52

**[FAC 2005–72; FAR Case 2010–010; Correction; Docket 2010–0010, Sequence 1]**

**RIN 9000–AM06**

## Federal Acquisition Regulation; Service Contracts Reporting Requirements; Correction

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule; correction.

**SUMMARY:** DoD, GSA, and NASA are issuing a correction to FAR Case 2010–010; Service Contracts Reporting Requirements (Item I), which was published in the **Federal Register** at 78 FR 80369, December 31, 2013.

**DATES:** *Effective:* January 30, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Loeb, Procurement Analyst, at 202–501–0650, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–72; FAR Case 2010–010; Correction.

**SUPPLEMENTARY INFORMATION:** DoD, GSA, and NASA published a document in the **Federal Register** at 78 FR 80369, December 31, 2013, inadvertently section FAR 52.204–15, the clause heading date is incorrectly stated; and in section 52.212–5 the paragraphs have been incorrectly redesignated.

### Correction

In rule FR Doc. 2013–31148 published in the **Federal Register** at 78 FR 80369, December 31, 2013, make the following corrections:

1. On page 80375, in the third column, section 52.204–15, clause heading, correct ''JANUARY 30, 2014'' to read ''JAN 2014''.

2. On page 80376, in the first column, section 52.212–5, under instruction number 10, paragraph b, correct ''(b)(51)'' and ''(b)(53)'' to read as ''(b)(52)'' and ''(b)(54)'' respectively.

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

Dated: January 23, 2014.

**William Clark,**

*Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

[FR Doc. 2014–01644 Filed 1–28–14; 8:45 am]

BILLING CODE 6820–EP–P

## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 48 CFR Part 52

**[FAC 2005–72; FAR Case 2013–021; Correction; Docket No. 2013–0021; Sequence No. 1]**

## Federal Acquisition Regulation; Technical Amendments

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

**DATES:** *Effective:* January 29, 2014.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405, 202–501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–72, Technical Amendments.

**SUPPLEMENTARY INFORMATION:** In order to update certain elements in 48 CFR Part 52, this document makes editorial changes to the FAR.

### List of Subject in 48 CFR Part 52

Government procurement.

Dated: January 23, 2014.

**William Clark,**

*Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

Therefore, DoD, GSA, and NASA amend 48 CFR part 52 as set forth below:

## PART 52—SOLICITATION PORVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

**52.204–8 [Amended]**

■ 2. Remove from the clause heading ''(DEC 2013)'' and add ''(JAN 2014)'' in its place.

**52.212–5 [Amended]**

■ 3. Remove from the clause heading ''(DEC 2013)'' and add ''(JAN 2014)'' in its place; and remove from paragraph (b)(27) ''(DEC 2013) ERT Abbreviated Month and Year of Publication in the **Federal Register**])'' and add ''(JAN 2014)'' in its place.

**52.213–4 [Amended]**

■ 4. Remove from the clause heading and paragraph (b)(1)(ii) ''(DEC 2013)'' and add ''(JAN 2014)'' in its place.

**52.222–19 [Amended]**

■ 5. Remove from the clause heading ''(DEC 2013)'' and add ''(JAN 2014)'' in its place.

[FR Doc. 2014–01643 Filed 1–28–14; 8:45 am]

BILLING CODE 6820–EP–P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

### 48 CFR Parts 202, 207, 209, 216, and 234

**RIN 0750–AI16**

### Defense Federal Acquisition Regulation Supplement: Limitation on Use of Cost-Reimbursement Line Items (DFARS Case 2013–D016)

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

**ACTION:** Interim rule.

**SUMMARY:** DoD is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2013, which prohibits DoD from entering into cost-type contracts for production of major defense acquisition programs.

**DATES:** *Effective* January 29, 2014.

*Comment Date:* Comments on the interim rule should be submitted in writing to the address shown below on or before March 31, 2014 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2013–D016 by any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DFARS Case 2013–D016'' under the heading ''Enter Keyword or ID'' and selecting ''Search''. Select the link ''Submit a Comment'' that corresponds with ''DFARS Case 2013–D016''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DFARS Case 2013–D016'' on your attached document.

○ *Email: dfars@mail.mil.* Include DFARS Case 2013–D016 in the subject line of the message.

○ *Fax:* 202–501–4067.

○ *Mail:* Defense Acquisition Regulations System, ATTN: Susan Williams, OUSD/AT&L/DPAP/DARS, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Williams, Senior Procurement Analyst, Defense Acquisition Regulations System, ATTN: Lesa Scott, OUSD/AT&L/DPAP/DARS, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, telephone 571–372–6092.

**SUPPLEMENTARY INFORMATION:**

### I. Background

This interim rule amends the DFARS to implement section 811 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239), which was enacted January 2, 2013. Section 811(a) requires DoD to modify the acquisition regulations to prohibit DoD from entering into cost-type contracts for the production of major defense acquisition programs (MDAPS) for contracts entered into on or after October 1, 2014, with one exception in section 811(b). Under section 811(b), the Under Secretary of Defense for Acquisition, Technology, and Logistics may submit to the congressional defense committees: (1) A written certification that the particular cost-type contract is needed to provide a required capability in a timely, cost-effective manner; and (2) An explanation of the steps taken to ensure that the use of cost-type pricing is limited to only those line items or portions of the contact where such pricing is needed to achieve the purpose of the exception.

In implementing section 811 of the NDAA for FY 2013, DoD further defined the prohibition on entering into cost-type contracts to explicitly state the prohibition also applies to entering into cost-reimbursement line items for the production of MDAPS.

### II. Discussion and Analysis

This interim rule makes the following changes to the DFARS:

- The definition for ''major defense acquisition program'' is added to section 201.101, Definitions, and is removed from section 209.571–1, Definitions.
- Section 207.106(b)(1)(S–74) adds a cross-reference to see section 234.004, Acquisition Strategy, when selecting contract type.
- A new policy statement is added at section 216.102, Policies.
- A new definition of ''production of major defense acquisition program'' is added to section 234.001.
- Section 234.004, Acquisition Strategy, paragraph (2) is revised and reformatted.

### III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### IV. Regulatory Flexibility Act

DoD does not expect this interim rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

This interim rule implements section 811 of the National Defense Authorization Act for Fiscal Year 2013. Small entities are not expected to be directly affected by this rule as it establishes policy and sets parameters for DoD contracting officers concerning selection of appropriate contract types when entering into contracts for the production of major defense acquisition programs (MDAPS). Cost-type contracts and cost-reimbursement line items may not be employed for production of MDAPS on or after October 1, 2014. Generally, small entities are not involved as prime contractors in the production of MDAPS due to the complex nature of these contracts and the associated requirement to employ extensive business and management systems.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 601. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2013–D016) in correspondence.

### V. Paperwork Reduction Act

The rule does not contain any information collection requirements that

require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35.

**VI. Determination To Issue an Interim Rule**

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This interim rule implements section 811 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). Section 811(a) instructs DoD to modify the acquisition regulations to prohibit DoD from entering into cost-type contracts for the production of major defense acquisition programs (MDAPS) for contracts entered into on or after October 1, 2014, with one exception in section 811(b). Under section 811(b), the Under Secretary of Defense for Acquisition, Technology, and Logistics may submit to the congressional defense committees: (1) A written certification that the particular cost-type contract is needed to provide a required capability in a timely, cost-effective manner; and (2) An explanation of the steps taken to ensure that the use of cost-type pricing is limited to only those line items or portions of the contact where such pricing is needed to achieve the purpose of the exception. If implementation is delayed, contracting officers and program managers may be unaware of the prohibition on using cost-type contracts or cost-reimbursement line items for production of MDAPS on or after October 1, 2014, and, as a consequence, unable to perform appropriate acquisition planning to select a contract type that complies with the law. Failure to implement this rule in a timely manner may further harm the Government, because award of a cost-type contract for production of MDAPS, at this phase in the acquisition cycle, would inappropriately shift the responsibility for performance cost risk from the contractor to the Government. However, pursuant to 41 U.S.C. 1707 and FAR 1.501–3(b), DoD will consider public comments received in response to this interim rule in the formation of the final rule.

**List of Subjects in 48 CFR Parts 202, 207, 209, 216, and 234**

Government procurement.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 202, 207, 209, 216, and 234 are amended as follows:

■ 1. The authority citation for 48 CFR parts 202, 207, 209, 216, and 234 continues to read as follows:

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

## PART 202—DEFINITIONS OF WORDS AND TERMS

■ 2. Amend section 202.101 by adding, in alphabetical order, the definition of ''Major defense acquisition program'' to read as follows:

**202.101 Definitions.**

* * * * *

*Major defense acquisition program* is defined in 10.U.S.C. 2430(a).

* * * * *

## PART 207—ACQUISITION PLANNING

■ 3. Amend section 207.106 by adding paragraph (S–74) to read as follows:

**207.106 Additional requirements for major systems.**

* * * * *

(S–74) When selecting contract type, see 234.004 (section 811 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239)).

## PART 209—CONTRACTOR QUALIFICATIONS

**209.571–1 Definitions [Amended]**

■ 4. Amend section 209.571–1 by removing '' 'Major Defense Acquisition Program' is defined in 10 U.S.C. 2430.''

## PART 216—TYPES OF CONTRACTS

■ 5. Add section 216.102 to read as follows:

**216.102 Policies.**

In accordance with section 811 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), use of any cost-reimbursement line item for the acquisition of production of major defense acquisition programs is prohibited unless the exception at 234.004(2)(ii) applies.

## PART 234—MAJOR SYSTEM ACQUISITION

■ 6. Amend section 234.001 by—

■ a. Revising the section heading; and

■ b. Adding, in alphabetical order, the definition for ''Production of major defense acquisition program''.

The revision and addition read as follows:

**234.001 Definitions.**

* * * * *

*Production of major defense acquisition program* means the production and deployment of a major system that is intended to achieve an operational capability that satisfies mission needs, or an activity otherwise defined as Milestone C under Department of Defense Instruction 5000.02 or related authorities.

* * * * *

■ 7. Section 234.004 is amended by revising paragraph (2) to read as follows:

**234.004 Acquisition strategy.**

* * * * *

(2) *Contract type.*

(i) In accordance with section 818 of the National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109–364), for major defense acquisition programs at Milestone B—

(A) The Milestone Decision Authority shall select, with the advice of the contracting officer, the contract type for a development program at the time of Milestone B approval or, in the case of a space program, Key Decision Point B approval;

(B) The basis for the contract type selection shall be documented in the acquisition strategy. The documentation—

*(1)* Shall include an explanation of the level of program risk; and

*(2)* If program risk is determined to be high, shall outline the steps taken to reduce program risk and the reasons for proceeding with Milestone B approval despite the high level of program risk; and

(C) If a cost-type reimbursement contract is selected, the contract file shall include the Milestone Decision Authority's written determination that—

*(1)* The program is so complex and technically challenging that it would not be practicable to reduce program risk to a level that would permit the use of a fixed-price type contract; and

*(2)* The complexity and technical challenge of the program is not the result of a failure to meet the requirements of 10 U.S.C. 2366a.

(ii) In accordance with section 811 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), for contracts entered into on or after October 1, 2014, the contracting officer shall—

(A) Not use cost-reimbursement line items for the acquisition of production of major defense acquisition programs, unless USD(AT&L) submits to the congressional defense committees—

*(1)* A written certification that the particular cost-reimbursement line times are needed to provide a required capability in a timely and cost effective manner; and

*(2)* An explanation of the steps taken to ensure that cost-reimbursement line

times are used only when to achieve the purposes of the exception; and

(B) Include a copy of such congressional certification in the contract file.

■ 8. Add section 234.005 heading to read as follows:

**234.005 General requirements.**

[FR Doc. 2014–01276 Filed 1–28–14; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

## Defense Acquisition Regulations System

## 48 CFR Part 252

**RIN 0750–AI15**

## Defense Federal Acquisition Regulation Supplement: Proposal Adequacy Checklist Revision (DFARS Case 2013–D033)

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

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove a redundant item from the solicitation provision, Proposal Adequacy Checklist.

**DATES:** *Effective* January 29, 2014.

**FOR FURTHER INFORMATION CONTACT:** Susan Williams, telephone 571–372–6092.

**SUPPLEMENTARY INFORMATION:**

### I. Discussion

DoD is revising the DFARS to remove and reserve item 19 of the solicitation provision at DFARS 252.215–7009, Proposal Adequacy Checklist. Item 19 required price analysis for all commercial items offered that are not available to the general public. Through further research and discussion, DOD has determined that item 19 listed on the Proposal Adequacy Checklist is duplicative in nature. DoD has concluded that items proposed with a commercial basis under subcontracts in the proposal require price analysis by the offeror. Furthermore, DoD has also concluded that question 14 under the Material and Service section and question 17 under the Subcontracts section on the Proposal Adequacy Checklist currently address the requirement for price analysis of the proposed commercial item that is produced or performed by others.

### II. Publication of This Final Rule for Public Comment Is Not Required by Statute

''Publication of proposed regulations,'' 41 U.S.C. 1707, is the statute which applies to the publication of the Federal Acquisition Regulation. Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the changes are not substantive and will not place any additional burden on the public.

### III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### IV. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant DFARS revision within the meaning of FAR 1.501–1, and 41 U.S.C. 1707 does not require publication for public comment.

### V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

### List of Subjects in 48 CFR Part 252

Government procurement.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR part 252 is amended as follows:

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 252 continues to read as follows:

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

**252.215–7009 [Amended]**

■ 2. Amend section 252.215–7009 by—

■ a. Removing the provision date ''(MAR 2013)'' and adding ''(JAN 2014)'' in its place; and

■ b. Removing from the Proposal Adequacy Checklist, item 19—

■ i. Under the ''References'' column, ''FAR 15.408, Table 15–2, Section II, Paragraph A''; and

■ ii. Under the ''Submission Item'' column, ''Does the proposal include a price analysis for all commercial items offered that are not available to the general public?'' and adding in its place ''[Reserved]''.

[FR Doc. 2014–01274 Filed 1–28–14; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF TRANSPORTATION

## Federal Railroad Administration

## 49 CFR Part 213

**[Docket No. FRA–2011–0058, Notice No. 2]**

**RIN 2130–AC28**

## Track Safety Standards; Improving Rail Integrity

*Correction*

In rule document 2014–01387, appearing on pages 4234–4260 in the issue of Friday, January 24, 2014, make the following correction:

**§ 213.113 Defective rails. [Corrected]**

On page 4256, the Table titled ''REMEDIAL ACTION TABLE'', in Subpart D—Track Structure, of Part 213, is corrected to read as follows:

**REMEDIAL ACTION TABLE**

| Defect | Length of defect (inch(es)) | | Percentage of existing rail head cross-sectional area weakened by defect | | If the defective rail is not replaced or repaired, take the remedial action prescribed in note |
|---|---|---|---|---|---|
| | More than | But not more than | Less than | But not less than | |
| Compound Fissure | ……..... | ……..... | 70……..... | 5…… | B. |
| | …….. | …….. | 100…… | 70…… | A2. |
| | …… | …… | …….. | 100…… | A. |
| Transverse Fissure | ……..... | ……..... | 25 ..... | 5..... | C. |
| Detail Fracture | …… | …… | 60 ..... | 25..... | D. |
| Engine Burn Fracture | …….. | …….. | 100 ..... | 60…….. | A2, or [E and H]. |
| Defective Weld | …… | …… | …… | 100..... | A, or [E and H]. |
| Horizontal Split Head | 1…… | 2..... | ..... | ..... | H and F. |
| Vertical Split Head | 2…… | 4..... | ..... | ..... | I and G. |
| Split Web | 4…… | ..... | ..... | ..... | B. |
| Piped Rail | (1)…….. | (1)…….…… | ..... | …… | A. |
| Head Web Separation | | | | | |
| Defective Weld (Longitudinal) | | | | | |
| Bolt Hole Crack | ½…… | 1..... | ..... | ..... | H and F. |
| | 1…… | 1½..... | ..... | ..... | H and G. |
| | 1½ ..... | ..... | ..... | ..... | B. |
| | (1)…….. | (1) | ..... | …….. | A. |
| Broken Base | 1…… | 6..... | ..... | ..... | D. |
| | 6 (2)..... | ..... | ..... | ..... | A, or [E and I]. |
| Ordinary Break | ..... | ..... | ..... | ..... | A or E. |
| Damaged Rail | ..... | ..... | ..... | ..... | C. |
| Flattened Rail Crushed Head | Depth ≥ ⅜ and Length ≥ 8…….. | ..... | ..... | ..... | H. |

(1) Break out in rail head.

(2) Remedial action D applies to a moon-shaped breakout, resulting from a derailment, with length greater than 6 inches but not exceeding 12 inches and width not exceeding one-third of the rail base width.

Notes:

A. Assign a person designated under § 213.7 to visually supervise each operation over the defective rail.

A2. Assign a person designated under § 213.7 to make a visual inspection. After a visual inspection, that person may authorize operation to continue without continuous visual supervision at a maximum of 10 m.p.h. for up to 24 hours prior to another such visual inspection or replacement or repair of the rail.

B. Limit operating speed over the defective rail to that as authorized by a person designated under § 213.7(a), who has at least one year of supervisory experience in railroad track maintenance. The operating speed cannot be over 30 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.

C. Apply joint bars bolted only through the outermost holes to the defect within 10 days after it is determined to continue the track in use. In the case of Class 3 through 5 track, limit the operating speed over the defective rail to 30 m.p.h. until joint bars are applied; thereafter, limit the speed to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower. When a search for internal rail defects is conducted under § 213.237, and defects are discovered in Class 3 through 5 track that require remedial action C, the operating speed shall be limited to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower, for a period not to exceed 4 days. If the defective rail has not been removed from the track or a permanent repair made within 4 days of the discovery, limit operating speed over the defective rail to 30 m.p.h. until joint bars are applied; thereafter, limit speed to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower. When joint bars have not been applied within 10 days, the speed must be limited to 10 m.p.h. until joint bars are applied.

D. Apply joint bars bolted only through the outermost holes to the defect within 7 days after it is determined to continue the track in use. In the case of Class 3 through 5 track, limit operating speed over the defective rail to 30 m.p.h. or less as authorized by a person designated under § 213.7(a), who has at least one year of supervisory experience in railroad track maintenance, until joint bars are applied; thereafter, limit speed to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower. When joint bars have not been applied within 7 days, the speed must be limited to 10 m.p.h. until the joint bars are applied.

E. Apply joint bars to the defect and bolt in accordance with § 213.121(d) and (e).

F. Inspect the rail within 90 days after it is determined to continue the track in use. If the rail remains in the track and is not replaced or repaired, the reinspection cycle starts over with each successive reinspection unless the

reinspection reveals the rail defect to have increased in size and therefore become subject to a more restrictive remedial action. This process continues indefinitely until the rail is removed from the track or repaired. If not inspected within 90 days, limit speed to that for Class 2 track or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower, until it is inspected.

G. Inspect rail within 30 days after it is determined to continue the track in use. If the rail remains in the track and is not replaced or repaired, the reinspection cycle starts over with each successive reinspection unless the reinspection reveals the rail defect to have increased in size and therefore become subject to a more restrictive remedial action. This process continues indefinitely until the rail is removed from the track or repaired. If not inspected within 30 days, limit speed to that for Class 2 track or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower, until it is inspected.

H. Limit operating speed over the defective rail to 50 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.

I. Limit operating speed over the defective rail to 30 m.p.h. or the maximum allowable speed under § 213.9 for the class of track concerned, whichever is lower.

[FR Doc. C1–2014–01387 Filed 1–28–14; 8:45 am]
**BILLING CODE 1505–01–D**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 121018563–3148–02]**

**RIN 0648–XD101**

## Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 feet Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) using pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2014 Pacific cod total allowable catch allocated to catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), January 24, 2014, through 1200 hours, A.l.t., September 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

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

The A season apportionment of the 2014 Pacific cod total allowable catch (TAC) allocated to catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI is 9,678 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013) and inseason adjustment (79 FR 758, January 7, 2014).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season apportionment of the 2014 Pacific cod TAC allocated as a directed fishing allowance to catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI.

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

### Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would

delay the closure of directed fishing for Pacific cod by catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 22, 2014.

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

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

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

Dated: January 23, 2014.

**Emily H. Menashes,**

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

[FR Doc. 2014–01646 Filed 1–24–14; 11:15 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 679

**[Docket No. 121018563–3148–02]**

**RIN 0648–XD104**

## Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Pot Catcher/Processors in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2014 Pacific cod total allowable catch allocated to catcher/processors using pot gear in the BSAI.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), January 26, 2014, through 1200 hours, A.l.t., September 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

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

The A season apportionment of the 2014 Pacific cod total allowable catch (TAC) allocated to catcher/processors using pot gear in the BSAI is 1,728 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013) and inseason adjustment (79 FR 758, January 7, 2014).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season apportionment of the 2014 Pacific cod TAC allocated as a directed fishing allowance to catcher/processors using pot gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by pot catcher/processors in the BSAI.

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

### Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by pot catcher/processors in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 23, 2014.

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

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

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

Dated: January 24, 2014.

**Sean F. Corson,**

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

[FR Doc. 2014–01685 Filed 1–24–14; 4:15 pm]

BILLING CODE 3510–22–P

# Proposed Rules

Federal Register

Vol. 79, No. 19

Wednesday, January 29, 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.

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Chapter II

**[Release Nos. 33–9516, 34–71370, 39–2494, IC–30890; File No. S7–02–14]**

## List of Rules To Be Reviewed Pursuant to the Regulatory Flexibility Act

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Publication of list of rules scheduled for review.

**SUMMARY:** The Securities and Exchange Commission is today publishing a list of rules to be reviewed pursuant to Section 610 of the Regulatory Flexibility Act. The list is published to provide the public with notice that these rules are scheduled for review by the agency and to invite public comment on them.

**DATES:** Comments should be submitted by February 28, 2014.

**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 S7–02–14 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 to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. All submissions should refer to File No. S7–02–14. 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 also are 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 Regulatory Flexibility Act (''RFA''), codified at 5 U.S.C. 600–611, requires an agency to review its rules that have a significant economic impact upon a substantial number of small entities within ten years of the publication of such rules as final rules. 5 U.S.C. 610(a). The purpose of the review is ''to determine whether such rules should be continued without change, or should be amended or rescinded . . . to minimize any significant economic impact of the rules upon a substantial number of such small entities.'' 5 U.S.C. 610(a). The RFA sets forth specific considerations that must be addressed in the review of each rule:

- The continued need for the rule;
- The nature of complaints or comments received concerning the rule from the public;
- The complexity of the rule;
- The extent to which the rule overlaps, duplicates or conflicts with other federal rules, and, to the extent feasible, with state and local governmental rules; and
- The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. 5 U.S.C. 610(c).

The Securities and Exchange Commission, as a matter of policy, reviews all final rules that it published for notice and comment to assess not only their continued compliance with the RFA, but also to assess generally their continued utility. The list below is therefore broader than that required by the RFA, and may include rules that do not have a significant economic impact on a substantial number of small entities. Where the Commission has previously made a determination of a rule's impact on small businesses, the determination is noted on the list.

The Commission particularly solicits public comment on whether the rules listed below affect small businesses in new or different ways than when they were first adopted.[1] The rules and forms listed below are scheduled for review by staff of the Commission during the next 12 months. The list includes rules from 2002. When the Commission implemented the Act in 1980, it stated that it ''intend[ed] to conduct a broader review [than that required by the RFA], with a view to identifying those rules in need of modification or even rescission.'' Securities Act Release No. 6302 (Mar. 20, 1981), 46 FR 19251 (Mar. 30, 1981).

### List of Rules To Be Reviewed

*Title:* Requirements for Arthur Andersen LLP Auditing Clients.

*Citation:* 17 CFR 210.2–02, 17 CFR 230.401a, 17 CFR 230.437a, 17 CFR 240.12b–37, and 17 CFR 260.19a–1.

*Authority:* 15 U.S.C. 77b, 15 U.S.C. 77d, 15 U.S.C. 77g, 15 U.S.C. 77h, 15 U.S.C. 77j, 15 U.S.C. 77s, 15 U.S.C. 77z–3, 15 U.S.C. 78c, 15 U.S.C. 78d, 15 U.S.C. 78j, 15 U.S.C. 78*l,* 15 U.S.C. 78m, 15 U.S.C. 78n, 15 U.S.C. 78o, 15 U.S.C. 78w, 15 U.S.C. 78mm, 15 U.S.C. 77ddd, 15 U.S.C. 77eee, 15 U.S.C. 77ggg, 15 U.S.C. 77hhh, 15 U.S.C. 77jjj, 15 U.S.C. 77nnn and 15 U.S.C. 77sss.

*Description:* The rules were adopted to minimize any disruptions that may have occurred as a result of the indictment of Arthur Andersen LLP by modifying, in a manner appropriate to the protection of investors, the requirements for including audited financial statements in registration statements under the Securities Act of 1933 (''Securities Act'') and filings required by the Trust Indenture Act of 1939 by registrants that are unable to or elect not to have Andersen issue a manually signed audit report, if the audit report was not issued on or before March 14, 2002.

*Prior Commission Determination Under 5 U.S.C. 610:* Pursuant to Section 553(b) of the Administrative Procedure Determination Under Act (5 U.S.C. 553(b)(B)) (''APA''), the Commission for

[1] Several of the rulemakings identified below included non-substantive rule amendments, such as conforming cross references. The Commission requests that commenters focus on the substantive aspects of the rulemakings indicated in the list.

good cause found that prior notice and public comment was unnecessary. Because the Commission found good cause that notice and comment were unnecessary, no regulatory flexibility analysis was required. The rules were adopted in Release No. 33–8070 (March 18, 2002).

*Title:* Registration Form for Insurance Company Separate Accounts Registered as Unit Investment Trusts that Offer Variable Life Insurance Policies.

*Citation:* 17 CFR 239.17c (Securities Act). 17 CFR 274.11d (Investment Company Act).

*Authority:* 15 U.S.C. 77b, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77sss, 77z–3, 78c, 78d, 78*l,* 78m, 78n, 78o, 78t, 78w, 78*ll*(d), 78mm, 79t, 80a–8, 80a–24, 80a–28, 80a–29, 80a–30, 80a–37.

*Description:* Form N–6 is a registration form used by separate accounts that are unit investment trusts that offer variable life insurance contracts to register under Investment Company Act of 1940 and to offer their securities under the Securities Act of 1933.

*Prior Commission Determination Under 5 U.S.C. 605*: A Regulatory Flexibility Act Certification was prepared in accordance with 5 U.S.C. 605(b) in conjunction with the adoption of Release No. 33–8088 (IC–25522), which was approved by the Commission on April 12, 2002. At that time it was noted that the Commission had requested comments on the initial certification, which had been attached to the proposing release, but had received none.

*Title:* Amendment to Definition of ''Equity Security.''

*Citation:* 17 CFR 230.405 and 17 CFR 240.3a11–1.

*Authority:* 15 U.S.C. 77f, 15 U.S.C. 77g, 15 U.S.C. 77j, 15 U.S.C. 77s(a), 15 U.S.C. 78c(b), and 15 U.S.C. 78w(a).

*Description:* The rule amendments conform the definition of ''equity security'' in the rules under the Securities Act and the Securities Exchange Act of 1934 (''Exchange Act'') to the statutory definitions with respect to security futures established in the Commodity Futures Modernization Act of 2000 (''CFMA'').

*Prior Commission Determination Under 5 U.S.C. 610:* Pursuant to Section 553(b) of the APA, the Commission for good cause found that prior notice and public comment was unnecessary. Because the Commission found good cause that notice and comment were unnecessary, no RFA analysis was required. The rules were adopted in Release No. 33–8091 (April 17, 2002).

*Title:* Mandated EDGAR Filing for Foreign Issuers.

*Citation:* 17 CFR 230.493, 17 CFR 239.800, 17 CFR 249.250, 17 CFR 249.480, and 17 CFR 249.306.

*Authority:* 15 U.S.C. 77f, 15 U.S.C. 77g, 15 U.S.C. 77h, 15 U.S.C. 77j, 15 U.S.C. 77s(a), 15 U.S.C. 78c, 15 U.S.C. 78*l,* 15 U.S.C. 78m, 15 U.S.C. 78n, 15 U.S.C. 78o(d), 15 U.S.C. 78w, 15 U.S.C. 78*ll,* 15 U.S.C. 77ddd, 15 U.S.C. 77eee, 15 U.S.C. 77ggg, 15 U.S.C. 77jjj, and 15 U.S.C. 77sss.

*Description:* The amendments require foreign private issuers and foreign governments to file electronically through the EDGAR system most of their securities documents, including registration statements under the Securities Act and registration statements, reports and other documents under the Exchange Act. The rule amendments also clarify when an issuer may submit an English summary instead of an English translation of a foreign language document; eliminate the requirement that any first-time EDGAR filer, domestic or foreign, submit a paper copy of its electronic filing to the Commission; and permit a national securities exchange to file voluntarily on EDGAR a Form 25, which reports the delisting of a class of a company's securities.

*Prior Commission Determination Under 5 U.S.C. 610:* Pursuant to Section 605(b) of the RFA, the Chairman of the Commission certified at the proposal stage on September 25, 2001 in Release No. 33–8016 that the rule revisions would not have a significant economic impact on a substantial number of small entities. The SEC solicited comments concerning the impact on small entities and the RFA certification, but received no comments. The rules were adopted in Release No. 33–8099 (May 14, 2002).

*Title:* Cash Settlement and Regulatory Halt Requirements for Security Futures Products.

*Citation:* 17 CFR 240.6h–1.

*Authority:* 15 U.S.C. 78f, 78i, 78*o*-3, 78s, 78w(a), and 78mm.

*Description:* The Commodity Futures Trading Commission (''CFTC'') and SEC adopted this rule generally to require that the final settlement price for each cash-settled security futures product fairly reflect the opening price of the underlying security or securities, and that trading in any security futures product halt when a regulatory halt is instituted with respect to a security or securities underlying the security futures product by the national securities exchange or national securities association listing the security. The rule sets forth more specifically how the exchange's or association's rules can satisfy provisions added to the Commodity Exchange Act (''CEA'') and the Exchange Act by the CFMA.

*Prior Commission Determination Under 5 U.S.C. 610:* Pursuant to Section 605(b) of the RFA, the Chairman of the Commission certified that the adopted rule would not have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefore, was attached to Proposing Release No. 34–44743 (August 24, 2001) as Appendix A. The SEC solicited comments concerning the impact on small entities and the RFA certification, but received no comments. The final rule was adopted in Release No. 34–45956 (May 17, 2002).

*Title:* Assessments on Security Futures Transactions and Fees on Sales of Securities Resulting from Physical Settlement of Security Futures Pursuant to Section 31 of the Exchange Act.

*Citation:* 17 CFR 240.31.

*Authority:* 15 U.S.C. 78c(A), 78w(a), and 78ee.

*Description:* The amendment clarifies how to calculate assessments required to be paid by national securities exchanges and national securities associations pursuant to Section 31(d) of the Exchange Act for security futures transactions. In addition, the amendment provides guidance on how to calculate fees required to be paid by national securities exchanges and national securities associations pursuant to Sections 31(b) and (c) of the Exchange Act, respectively, for sales of securities that result from the physical settlement of security futures.

*Prior Commission Determination Under 5 U.S.C. 610:* Pursuant to Section 605(b) of the RFA, the Chairman of the Commission certified that the amendment to the rule would not have a significant economic impact on a substantial number of small entities. This certification was attached to Proposing Release No. 45854 (May 1, 2002) as Appendix A. The SEC solicited comments concerning the impact on small entities and the RFA certification, but received no comments. The final rule was adopted in Release No. 34–46169. (July 8, 2002).

*Title:* Customer Margin Rules Relating to Security Futures.

*Citation:* 17 CFR 242.400 through 242.406.

*Authority:* 15 U.S.C. 78c(A), 78f, 78g(c), 78o–3, and 78w(a).

*Description:* The CFTC and SEC adopted rules to establish margin requirements for security futures to preserve the financial integrity of markets trading security futures, prevent

systemic risk, and require that the margin requirements for security futures be consistent with the margin requirements for comparable exchange-traded option contracts.

*Prior Commission Determination Under 5 U.S.C. 610:* Pursuant to Section 605(b) of the RFA, the Chairman of the Commission certified that the adopted rule would not have a significant economic impact on a substantial number of small entities. This certification was attached to Proposing Release No. 34–50720 (October 4, 2001) as Appendix A. The SEC solicited comments concerning the impact on small entities and the RFA certification, but received no comments. The final rules were adopted in Release No. 34–46292 (August 1, 2002).

*Title:* Certification of Disclosure in Companies' Quarterly and Annual Reports.

*Citation:* 17 CFR 229.307, 17 CFR 240.13a–10, 17 CFR 240.13a–14, 17 CFR 240.13a–15, 17 CFR 240.15d–10, 17 CFR 240.15d–14, 17 CFR 240.15d–15, 17 CFR 240.12b–15, 17 CFR 249.308a, 17 CFR 249.310, 17 CFR 249.220f, 17 CFR 249.240f, 17 CFR 232.302.

*Authority:* 15 U.S.C. 78j(b), 15 U.S.C. 78m, 15 U.S.C. 78o(d), and 15 U.S.C. 78w(a), 15 U.S.C. 7202, 15 U.S.C. 7241.

*Description:* The Commission adopted rules and amendments in light of Congress' directive in Section 302 of the Sarbanes-Oxley Act of 2002. The rules require an issuer's principal executive and financial officers each to certify the financial and other information contained in the issuer's quarterly and annual reports. The rules also require these officers to certify that: they are responsible for establishing, maintaining and regularly evaluating the effectiveness of the issuer's internal controls; they have made certain disclosures to the issuer's auditors and the audit committee of the board of directors about the issuer's internal controls; and they have included information in the issuer's quarterly and annual reports about their evaluation and whether there have been significant changes in the issuer's internal controls or in other factors that could significantly affect internal controls subsequent to the evaluation. In addition, the rules require issuers to maintain, and regularly evaluate the effectiveness of, disclosure controls and procedures designed to ensure that the information required in reports filed under the Exchange Act is recorded, processed, summarized and reported on a timely basis.

*Prior Commission Determination Under 5 U.S.C. 610:* A Final Regulatory Flexibility Analysis was prepared Determination Under in accordance with 5 U.S.C. 604 in conjunction with Release No. 33–8124, approved by the Commission on August 28, 2002, which adopted the rules and amendments. The Commission considered comments received on the Initial Regulatory Flexibility Analysis in the analysis at that time.

*Title:* Rule 30a–2.

*Citation:* 17 CFR 270.30a–2

*Authority:* 15 U.S.C. 78m, 78o(d), 80a–1 et seq., 80a–8, 80a–29, 80a–37; 7202 and 7241; and 18 U.S.C. 1350.

*Description:* Rule 30a–2 under the Investment Company Act of 1940 generally requires that (a) each report filed on Form N–CSR (§§ 249.331 and 274.128) and Form N–Q (§§ 249.332 and 274.130) by a registered management investment company (''fund'') must include the certifications in the form specified in Item 12(a)(2) of Form N–CSR or Item 3 of Form N–Q, as applicable, and (b) each report on Form N–CSR filed by a fund under Section 13(a) or 15(d) of the Exchange Act (15 U.S.C. 78m(a) or 78o(d)) and that contains financial statements must be accompanied by the certifications required by Section 1350 of Chapter 63 of Title 18 of the United States Code (18 U.S.C. 1350).

*Prior Commission Determination Under 5 U.S.C. 601:* A Final Regulatory Flexibility Analysis was prepared in accordance with 5 U.S.C. 604 in conjunction with the adoption of Release No. IC–25722; the release was approved by the Commission on August 28, 2002. Comments to the respective proposing release and any comments to the respective Initial Regulatory Flexibility Analysis were considered in connection with those rulemakings.

*Title:* Confirmation Requirements for Transactions of Security Futures Products Effected in Futures Accounts.

*Citation:* 17 CFR 240.10b–10; 17 CFR 249.11d2–1

*Authority:* 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–l, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll,* 78mm, 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11

*Description:* The rule amendments and new rule were designed to clarify the disclosures broker-dealers effecting transactions in security futures products in futures accounts must make in the confirmations sent to customers regarding those transactions. The amendments provide that broker-dealers effecting transactions in security futures products in futures accounts do not have to disclose all of the information required by the SEC's confirmation disclosure rule, but rather require that the transaction confirmations for these accounts disclose specific information and notify customers that certain additional information will be available upon written request. One rule also exempts broker-dealers effecting transactions for customers in security futures products in a futures account from the disclosure requirements of Section 11(d)(2) of the Exchange Act.

*Prior Commission Determination Under 5 U.S.C. 610:* Pursuant to Section 605(b) of the RFA, the Chairman of the Commission certified that the proposed amendments to Rule 10b–10 and new Rule 11d2–1 would not have a significant economic impact on a substantial number of small entities. This certification was attached to Proposing Release No. 34–46014 (May 31, 2001) as Appendix A. The SEC solicited comments concerning the impact on small entities and the RFA certification, but received no comments. The rule and rule amendment were adopted in Release No. 34–46471 (September 6, 2002).

*Title:* Applicability of CFTC and SEC Customer Protection, Recordkeeping, Reporting, and Bankruptcy Rules and the Securities Investor Protection Act of 1970 to Accounts Holding Security Futures Products.

*Citation:* 17 CFR 240.15c3–3, 17 CFR 240.17a–3, 17 CFR 240.17a–4, 17 CFR 240.17a–5, 17 CFR 240.17a–7, 17 CFR 240.17a–11, 17 CFR 240.17a–13, and 17 CFR 240.17a–25

*Authority:* 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78fff, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll,* 78mm, 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11

*Description:* The CFTC and SEC adopted rules under the CEA and the Securities Exchange Act as part of the joint regulatory framework under which futures commission merchants (''FCMs'') and brokers or dealers (''broker-dealers'' or ''BDs'') may effect transactions in security futures products for customers. The rules require all firms conducting business in security futures products to make disclosures to customers that transact business in security futures products concerning the protections provided by both the CEA and Exchange Act regulatory schemes, the regulatory scheme applicable to their accounts, and the alternative regulatory scheme not applicable to

their accounts. In addition, the rules require that every firm engaged in this business that is fully-registered both as an FCM and as a broker-dealer establish written procedures regarding how customer security futures products are held. The rules also specify how CEA and Exchange Act recordkeeping, reporting, and certain other rules apply to security futures product transactions and accounts in which security futures products are held.

*Prior Commission Determination Under 5 U.S.C. 610:* Pursuant to Section 605(b) of the RFA, the Chairman of the Commission certified that the rules would not have a significant economic impact on a substantial number of small entities. This certification was attached to Proposing Release No. 44854 (Sept. 26, 2001) as Appendix A. The SEC solicited comments concerning the impact on small entities and the RFA certification, but received no comments. The rules were adopted in Release No. 34–46473 (September 9, 2002).

*Title:* Exemption for Standardized Options From Provisions of the Securities Act of 1933 and From the Registration Requirements of the Securities Exchange Act of 1934.

*Citation:* 17 CFR 230.238, 17 CFR 240.9b–1, 17 CFR 240.12a–9, and 17 CFR 240.12h–1.

*Authority:* 15 U.S.C. 77s, 15 U.S.C. 77z–3, 15 U.S.C. 78*l*(h), 15 U.S.C. 78w(a), and 15 U.S.C. 78mm.

*Description:* The rules exempt standardized options issued by registered clearing agencies and traded on a national securities exchange from all the provisions of the Securities Act (other than the antifraud provisions) and the Exchange Act registration requirements. The rules also clarify that a security futures product is similarly exempted from the Exchange Act Section 12(g) registration requirements.

*Prior Commission Determination Under 5 U.S.C. 610:* Pursuant to Section 605(b) of the RFA, the Chairman of the Commission certified at the proposal stage on July 25, 2002 in 5 U.S.C. 610: Release No. 33–8114 that the rule revisions would not have a significant economic impact on a substantial number of small entities. The SEC solicited comments concerning the impact on small entities and the RFA certification, but received no comments. The rules and rule amendments were adopted in Release No. 33–8171 (December 23, 2002).

Dated: January 23, 2014.

By the Commission.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2014–01628 Filed 1–28–14; 8:45 am]

**BILLING CODE 8011–01–P**

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### 29 CFR Parts 1910, 1915, and 1926

**[Docket No. OSHA–2010–0034]**

**RIN 1218–AB70**

### Occupational Exposure to Crystalline Silica; Extension of Comment Period

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is extending the deadline for submitting comments and written testimony on the Notice of Proposed Rulemaking (NPRM) on Occupational Exposure to Crystalline Silica.

**DATES:** The comment period for the proposed rule published September 12, 2013 (78 FR 56274), extended on October 31, 2013 (78 FR 65242), is further extended. Comments and written testimony on the NPRM must be submitted (postmarked, sent, or received) by Tuesday, February 11, 2014.

**ADDRESSES:** *Comments and written testimony.* You may submit comments and written testimony, identified by Docket No. OSHA–2010–0034, by any of the following methods:

*Electronically:* You may submit comments and written testimony along with attachments electronically at *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal. Click on the ''COMMENT NOW!'' box next to the title ''Occupational Exposure to Crystalline Silica; Extension of Comment Period,'' and follow the instructions on-line for making electronic submissions.

*Fax:* If your submissions, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

*Mail, hand delivery, express mail, messenger, or courier service:* You may submit your comments and written testimony to the OSHA Docket Office, Docket No. OSHA–2010–0034, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 693–2350 (OSHA's TTY number is (877) 889–5627). Deliveries (hand, express mail, messenger, or courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., E.T.

*Instructions:* All submissions must include the Agency name and the docket number for this rulemaking (Docket No. OSHA–2010–0034). All comments and written testimony, including any personal information you provide, are placed in the public docket without change and may be made available online at *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information such as Social Security numbers and birthdates. Because of security-related procedures, the use of regular mail may cause a significant delay in the receipt of your submissions. For information about security-related procedures for submitting materials by express delivery, hand delivery, messenger, or courier service, please contact the OSHA Docket Office. For additional information on submitting comments and written hearing testimony, *see* Section XV of the NPRM preamble, Public Participation (78 FR 56274, 56440–56442; September 12, 2013).

*Docket:* To read or download comments and written testimony submitted in response to this **Federal Register** notice, go to Docket No. OSHA–2010–0034 at *http://www.regulations.gov* or to the OSHA Docket Office at the address above. All comments and submissions 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 that Web site. All comments and submissions are available for inspection and, where permissible, copying at the OSHA Docket Office.

Electronic copies of this **Federal Register** document are available at *http://regulations.gov.* Copies also are available from the OSHA Office of Publications, Room N–3101, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1888. This document, as well as news releases and other relevant information, is also available at OSHA's Web site at *http://www.osha.gov.*

**FOR FURTHER INFORMATION CONTACT:** For general information and press inquiries, contact Frank Meilinger, Director, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200

Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.* For technical inquiries, contact William Perry or David O'Connor, Directorate of Standards and Guidance, Room N–3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1950 or fax (202) 693–1678. For hearing inquiries, contact Frank Meilinger, Director, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.*

**SUPPLEMENTARY INFORMATION:** OSHA published a notice of proposed rulemaking on September 12, 2013, for occupational exposure to respirable crystalline silica (78 FR 56274). This notice requested comments and written testimony by December 11, 2013 and established the public hearing to commence on March 4, 2014. OSHA subsequently extended the deadline for submitting comments and written testimony to January 27, 2014; and the commencement of the hearings to now begin March 18, 2014 (78 FR 65242). OSHA is now extending the deadline for submitting comments and written testimony until February 11, 2014. The date for commencement of the hearings remains March 18.

*Authority and Signature:* This document was prepared under the direction of David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); section 107 of the Contract Work Hours and Safety Standards Act (the Construction Safety Act) (40 U.S.C. 333); section 41 of the Longshore and Harbor Worker's Compensation Act (33 U.S.C. 941); Secretary of Labor's Order No. 1–2012 (77 FR 3912, January 25, 2012); and 29 CFR Part 1911.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2014–01728 Filed 1–24–14; 4:15 pm]

**BILLING CODE 4510–26–P**

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Parts 4041A, 4231, and 4281

**RIN 1212–AB13**

### Multiemployer Plans; Valuation and Notice Requirements

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Proposed rule.

**SUMMARY:** PBGC is proposing to amend its multiemployer regulations to make the provision of information to PBGC and plan participants more efficient and effective and to reduce burden on plans and sponsors. The amendments would 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. The amendments are a result of PBGC's regulatory review under Executive Order 13563 (Improving Regulation and Regulatory Review).

**DATES:** Comments must be submitted on or before March 31, 2014.

**ADDRESSES:** Comments, identified by Regulation Identifier Number (RIN) 1212–AB13, may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: reg.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or hand delivery:* Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

All submissions must include the Regulation Identifier Number for this rulemaking (RIN 1212–AB13). Comments received, including personal information provided, will be posted to *www.pbgc.gov.* Copies of comments may also be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington DC 20005–4026, or calling 202–326–4500 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4500.)

**FOR FURTHER INFORMATION CONTACT:** Catherine B. Klion (*klion.catherine@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, or Daniel Liebman (*liebman.daniel@pbgc.gov*), Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

**SUPPLEMENTARY INFORMATION:**

### Executive Summary—Purpose of the Regulatory Action

The Pension Benefit Guaranty Corporation (PBGC) is proposing to amend certain regulations governing its multiemployer program to make the provision of information to PBGC and plan participants more efficient and effective. This rule is needed to reduce burden on multiemployer plans and sponsors and to facilitate potentially beneficial plan merger transactions. The rule would reduce burden by allowing certain small terminated but not insolvent plans to provide valuations less frequently, easing reporting requirements for plan sponsors contemplating a merger transaction, and streamlining and removing certain notice requirements for insolvent plans.[1] These requirements impose administrative costs and reduce plan assets that could otherwise be used to fund plan benefits.

PBGC's legal authority for this regulatory action comes from section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), which authorizes PBGC to issue regulations to carry out the purposes of title IV of ERISA; section 4041A(f)(2), which gives PBGC authority to prescribe reporting requirements for terminated plans; section 4231(a), which gives PBGC authority to prescribe regulations setting the requirements for one or more multiemployer plans to merge; and section 4281(d), which directs PBGC to prescribe by regulation the notice requirements to plan participants and beneficiaries in the event of a benefit suspension.

### Executive Summary—Major Provisions of the Regulatory Action

*Annual Valuations*

When a multiemployer plan terminates, the plan must perform an annual valuation of the plan's assets and benefits. This proposed rule would allow valuations for plans that were terminated by mass withdrawal but are not insolvent and where the value of nonforfeitable benefits is $25 million or

[1] Under 29 CFR 4041A.2, ''insolvent'' means that a plan is unable to pay benefits when due during the plan year.

less to be performed every three years instead of annually as required under the current regulations.

*Filing Requirements for Mergers*

Under the current regulations, a merger or a transfer of assets and liabilities between multiemployer plans must satisfy certain requirements, including a requirement that plan sponsors of all plans involved in a merger or transfer must jointly file a notice with PBGC 120 days before the transaction. This proposed rule would shorten the notice period to 45 days where no compliance determination is requested.

*Insolvency Notices and Updates*

Terminated multiemployer plans that determine that they will be insolvent for a plan year must provide a series of notices and updates to notices to PBGC and participants and beneficiaries, including a notice of insolvency. The proposed rule would eliminate the requirement to provide annual updates to the notice of insolvency.

**Background**

PBGC administers two insurance programs for private-sector defined benefit plans under title IV of the Employee Retirement Income Security Act of 1974 (ERISA): A single-employer plan termination insurance program and a multiemployer plan insolvency insurance program.

A multiemployer plan is a collectively bargained pension arrangement involving several employers that are not within the same controlled group, usually in a common industry, such as construction, trucking, textiles, or coal mining. By contrast, a single-employer plan may be sponsored by either one employer (pursuant or not pursuant to a collective bargaining agreement) or by several unrelated employers (but not pursuant to a collective bargaining agreement).

ERISA section 4041A provides for two types of multiemployer plan terminations: mass withdrawal and plan amendment. A mass withdrawal termination occurs when all employers withdraw or cease to be obligated to contribute to the plan. A plan amendment termination occurs when the plan adopts an amendment that provides that participants will receive no credit for service with any employer after a specified date, or an amendment that makes it no longer a covered plan. Unlike terminated single-employer plans, terminated multiemployer plans continue to pay all vested benefits out of existing plan assets and withdrawal liability payments. PBGC's guarantee of the benefits in a multiemployer plan—payable as financial assistance to the plan—starts only if and when the plan is unable to make payments at the statutorily guaranteed level.

This proposed rule would reduce certain requirements for multiemployer plans that are terminated by mass withdrawal and mergers and transfers among multiemployer plans.

On January 18, 2011, the President issued Executive Order 13563 ''Improving Regulation and Regulatory Review,'' to ensure that Federal regulations seek more affordable, less intrusive means to achieve policy goals, and that agencies give careful consideration to the benefits and costs of those regulations. PBGC's Plan for Regulatory Review,[2] identifies several regulatory areas for review, including the multiemployer regulations referred to above.

This proposed rule would amend those regulations to reduce burden on plans and sponsors. PBGC will continue to review its regulations with a view to developing more ideas for improvement. Public comment on these specific proposals will help PBGC determine whether its regulatory review process is moving in the right direction.

**Proposed Regulatory Changes**

*Annual Valuation Requirement*

ERISA section 4281(b) provides that the value of nonforfeitable benefits under a terminated plan to which section 4041A(d) applies, and the value of the plan's assets shall be determined in writing as of the end of the plan year during which section 4041A(d) becomes applicable, and each plan year thereafter. Part 4041A of PBGC's regulations establishes rules for notifying PBGC of the termination of a multiemployer plan and rules for the administration of multiemployer plans that have terminated by mass withdrawal. Subpart C prescribes basic duties of plan sponsors of plans terminated by mass withdrawal, including the annual valuation requirement at § 4041A.24. Section 4281.11(a) states that the valuation dates for the annual valuation required under section 4281(b) of ERISA shall be the last day of the plan year in which the plan terminates and the last day of each plan year thereafter. The details of the annual valuation requirement are set forth in the remainder of Subpart B of Part 4281, Duties of Plan Sponsor Following Mass Withdrawal.

The annual valuation requirement serves the statutory purpose of allowing the terminated plan to determine whether it needs to eliminate benefits that are not eligible for PBGC's guarantee. However, once the plan has reached the point where it has eliminated all nonguaranteed benefits, further valuations serve only to help PBGC estimate the liabilities it will incur when the plan becomes insolvent. While measuring PBGC's liabilities annually provides PBGC with information needed to understand its potential exposure, the requirement to do so results in the plan using scarce resources, at a potentially significant cost, for a limited purpose.[3] This may result in a faster diminution of assets that could lead to a reduced ability to pay plan benefits, a quicker insolvency, and an earlier elimination of any nonforfeitable benefits that exceed PBGC's statutory guarantee.

PBGC is proposing to amend § 4041A.24 to ensure that PBGC has reasonably reliable data to measure its liabilities without significantly depleting plan assets. Terminated plans that are not insolvent and where the value of nonforfeitable benefits is $25 million or less (as of the valuation date of the most recent required valuation), would be required to perform the next valuation in accordance with Subpart B of Part 4281 three years later instead of the following year as under the current regulation. To comply with the statutory requirement that there be a written determination of the value of nonforfeitable benefits each year, such plans may use the most recently performed valuation for the next two plan years.

All other plans would continue to be required to perform valuations in accordance with Subpart B of Part 4281 annually.[4] Plans could move in and out of the three-year or annual valuation cycle, as applicable, as the value of nonforfeitable benefits changes. Thus, a plan that had been performing new valuations every three years would be required to perform valuations annually if the next valuation indicates that the value of nonforfeitable benefits exceeds

[2] See *http://www.pbgc.gov/documents/plan-for-regulatory-review.pdf.*

[3] Once a plan terminates, professional and administrative costs of paying plan benefits and continuing regulatory compliance come out of plan assets without additional contributions being made by the former employers as would be the case prior to termination. Thus, with the exception of the potential inflow of some funds from withdrawal liability recoveries, plan assets continue to decrease in a wasting trust.

[4] There are two other exceptions to the requirement that a valuation be performed each plan year that are preserved from the current regulation. No valuation is required for a plan year (1) for which the plan receives financial assistance from PBGC under section 4261 of ERISA, or (2) in which the plan is closed out in accordance with subpart D of Part 4041A.

$25 million. Similarly, a plan that has been performing the valuation annually would only have to do the next valuation in accordance with Subpart B of Part 4281 in three years if the most recent valuation shows the value of nonforfeitable benefits to be $25 million or less. This amendment would target the plans that expose PBGC to larger liability, while reducing burden on plans that present smaller exposure.

PBGC believes that this change appropriately balances PBGC's need to fairly measure its exposure with minimizing the cost to plans and potentially to participants.

*Advance Notice of Multiemployer Mergers*

ERISA section 4231 sets forth the statutory requirements for mergers of two or more multiemployer plans and transfers of plan assets or benefit liabilities among two or more multiemployer plans, including a requirement that a plan must give 120 days' advance notice of a merger or transfer to PBGC. Part 4231 of PBGC regulations implements this statutory requirement.

29 CFR 4231.8 provides that plan sponsors of all plans involved in a merger or transfer, or their duly authorized representatives, must jointly file a notice with PBGC 120 days in advance of the transaction. The notice must include information about the plans, the plan sponsors, the transaction, the proposed effective date, a copy of each provision stating that no participant's or beneficiary's accrued benefit will be lower immediately after the effective date of the transaction than the benefit immediately before that date, and various actuarial and plan asset and benefit valuation information.

The purpose of the notice provision is to confirm that plan sponsors have met the four criteria listed in section 4231(b) for a statutory transaction.[5] Plan sponsors may request a determination from PBGC that a merger or transfer that may otherwise be prohibited by sections 406(a) or (b)(2) of ERISA satisfies the requirements of ERISA section 4231.[6] Under § 4231.8(f), PBGC may waive the statutory notice requirement.[7]

However, PBGC now believes that the interests of PBGC and plan participants involved in such transactions are adequately protected by other parts of ERISA, particularly Title I, and there is little benefit to having such a long period to merely confirm that the notice requirements have been met.

Thus, to reduce burden, PBGC is proposing to shorten the advance notice period to 45 days for transactions that do not involve a compliance determination under § 4231.9. PBGC's experience has been that many merger requests are received by PBGC with less than 120 days' notice and ask for a waiver of the notice requirement so that the merger can proceed as of the end of the plan year. The change to 45 days would avoid the need for a waiver and still allow PBGC enough time to review these later filed requests. PBGC believes the change to 45 days would strike the appropriate balance to better accommodate work flows and end of year rushes for both plan sponsors and PBGC staff. The current reporting requirements would remain in effect where a compliance determination is requested, as well as for transactions involving a transfer of plan assets or benefit liabilities, because those transactions may require a substantive investigation by PBGC that may well require more than 45 days to complete.[8]

*Annual Notice Updates Following Mass Withdrawal*

When a multiemployer plan terminates by mass withdrawal under ERISA section 4041A(a)(2), the plan's assets and benefits are required to be valued annually and plan benefits may have to be reduced or suspended to the extent provided in ERISA section 4281(c) or (d). A terminated multiemployer plan that determines that it will be insolvent for a plan year must provide a series of notices and updates to notices to PBGC and participants and beneficiaries under part 4281 of PBGC's regulations.

Once the plan projects that it can only pay benefits at the PBGC guarantee level, ERISA section 4281.43(b) requires the plan to issue a notice of insolvency and annual updates to PBGC and plan participants and beneficiaries. Subpart D of Part 4281 of PBGC's regulations sets forth the notice requirements for a terminated plan when plan assets are sufficient to pay PBGC guaranteed benefits, but not sufficient to pay at the promised plan level. In such situations, the plan sponsor must determine what benefits the assets will cover, and suspend benefits above that amount. At all times, however, the plan has a ''floor'' benefit set at the PBGC guarantee level (i.e., benefits cannot be suspended to an amount that would pay less than the guarantee).[9]

At the time this regulation was first issued, PBGC anticipated that a plan's insolvency would be short in duration and that it could financially recover. However, PBGC's experience has been that once a multiemployer plan becomes insolvent, it will remain so. Thus, once a plan has made the initial notices, there is little need to require similar subsequent notices. After reviewing the regulation, PBGC now believes that eliminating such annual updates would not pose any increase in the risk of loss to PBGC or to plan participants.

These notice requirements can be detrimental to plan participants because the costs of compliance may deplete assets that otherwise would be available to pay plan benefits. PBGC's experience is that the rules for annual updates to a notice of insolvency can be confusing to practitioners. While the incremental cost to the plan is small, PBGC believes that the professional time spent understanding the rules and other costs in the actual compliance would be better spent on benefits.[10]

Consequently, for these reasons PBGC is proposing to eliminate the annual updates to the notice of insolvency.[11]

## Applicability

The amendment to § 4041A.24 that would change the annual valuation requirement for terminated but not insolvent plans where the value of nonforfeitable benefits is $25 million or

[5] The four criteria under section 4231(b) are:

(1) The 120-day notice requirement is met.

(2) No accrued benefits will be lower immediately after the transaction's effective date than immediately before that date.

(3) Benefits are not reasonably expected to be subject to suspension under ERISA section 4245.

(4) The applicable actuarial valuation of assets and liabilities of each affected plan has been performed.

[6] See § 4231.3(b). Plan sponsors requesting a compliance determination must submit the information required by § 4231.9 in addition to the information required by § 4231.8.

[7] In 1998, PBGC amended its regulations to expand the applicability of the waiver of this notice under § 4231.8(f). Prior to that amendment, the requirement for 120 days' notice could be waived only if PBGC was satisfied that failure to complete the transaction in a shorter time would harm participants or beneficiaries. However, at the time PBGC was typically completing its reviews in 60 to 90 days, and there was usually no reason to wait the full 120 days. Thus, the regulation was amended to also permit a merger or transfer to be consummated if PBGC determined that the transaction complied with ERISA section 4231, or PBGC completed its review of the transaction. See 63 FR 24421 (May 4, 1998).

[8] Transfers take more time for PBGC to analyze than mergers, primarily because of the need to perform a rigorous solvency test that is not needed for merger transactions. Because assets are leaving a plan, PBGC analyzes a transfer to make sure there are adequate assets available to fund the remaining benefit obligations and the receiving plan can adequately fund its obligations. In a merger, the assets and liabilities are combined and therefore the same types of concerns are not present.

[9] The floor benefit is set for each participant at the participant's retirement.

[10] See footnote 2.

[11] PBGC is also making a minor change to the insolvency notice's content by deleting an outdated reference to IRS Key District offices.

less would be applicable to the first post-termination valuation after the effective date of the final rule.

The amendment to § 4231.8 that would change the notification requirements for a proposed merger would be applicable to mergers planned to be consummated on or after the 45th day after the effective date of the final rule.

The amendment to § 4281.43 that would eliminate the annual update notices to PBGC and participants and beneficiaries would be applicable as of the effective date of the final rule.

PBGC invites comments on whether a longer applicability period would better effectuate the purposes of these amendments.

**Executive Orders 12866 and 13563**

PBGC has determined, in consultation with the Office of Management and Budget, that this rule is not a ''significant regulatory action'' under Executive Order 12866.

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is associated with retrospective review and analysis in PBGC's Plan for Regulatory Review issued in accordance with Executive Order 13563.

Under Section 3(f)(1) of Executive Order 12866, a regulatory action is economically significant if ''it is likely to result in a rule that may . . . [h]ave 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.'' PBGC has determined that this proposed rule does not cross the $100 million threshold for economic significance and is not otherwise economically significant.

As explained below, PBGC estimates that aggregate annual savings from the combined regulatory changes would be about $460,000.

*Annual Valuation Requirement*

PBGC has estimated the value of this proposed rule on the annual valuation requirement for plans terminated by mass withdrawal. As of the end of its 2012 fiscal year, PBGC's total estimated liability for nonforfeitable benefits of the 61 mass withdrawal-terminated plans that were not insolvent was $1.7 billion. Of that total, there were 23 plans in the over $25 million category; such plans constituted nearly 80 percent of such liabilities in all 61 terminated plans, thus preserving a high degree of exactitude for PBGC's measurement of its financial contingencies. At the same time, each year that the 38 plans where the value of nonforfeitable benefits was $25 million or less would not have to do an annual valuation, there would be an annual aggregate savings of approximately $399,000 (assuming an annual valuation cost of $10,500 per plan) to these plans. These savings would grow as the terminated plan universe grows.

*Advance Notice of Multiemployer Mergers*

PBGC believes that reducing the required notice period in advance of a proposed merger transaction from 120 days to 45 days prior to the effectiveness of the merger would result in a small decrease in administrative burden on plan sponsors. By reducing the notice period, PBGC expects that there will be less interaction between plan sponsors, their representatives, and PBGC staff to address timing and approval issues. PBGC estimates that 18 plans submit advance notice of a merger in a given year. PBGC further estimates that an affected plan would save about one-quarter hour of professional time, at $350 per hour, and one-quarter hour managerial time, at $115 per hour, resulting in an aggregate annual savings of $2,093, as a result of the reduced length of the notice period.

*Annual Notice Updates Following Mass Withdrawal*

PBGC estimates that the annual aggregate cost of conducting the annual insolvency update is $61,425. This estimate is based on an estimated 54 plans required to issue the update annually at 12.5 hours of combined professional, clerical, and managerial time at an average rate of $91 per hour. Eliminating the annual update would save plan sponsors approximately $1,138 each per year and $61,425 in the aggregate.

**Regulatory Flexibility Act**

The Regulatory Flexibility Act imposes certain requirements with respect to rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a proposed rule is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the Regulatory Flexibility Act requires that the agency present an initial regulatory flexibility analysis at the time of the publication of the proposed rule describing the impact of the rule on small entities and seeking public comment on such impact. Small entities include small businesses, organizations and governmental jurisdictions.

For purposes of the Regulatory Flexibility Act requirements with respect to this proposed rule, PBGC considers a small entity to be a plan with fewer than 100 participants. This is the same criterion PBGC uses in other aspects of its regulations involving small plans, and is consistent with certain requirements in Title I of ERISA and the Internal Revenue Code, as well as the definition of a small entity that the Department of Labor (DOL) has used for purposes of the Regulatory Flexibility Act. Using this proposed definition, less than one percent of the 26,100 of plans covered by Title IV of ERISA in 2011 were small multiemployer plans.[12]

Further, PBGC is not aware of a multiemployer plan that was established and covered by ERISA that was not initially a large plan. Generally it is only after a plan terminates and employers withdraw from the plan that a plan might reduce in size to fewer than 100 participants. Thus, PBGC believes that assessing the impact of the proposal on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small Business Administration (13 CFR 121.201) pursuant to the Small Business Act. PBGC therefore requests comments on the appropriateness of the size standard used in evaluating the impact on small entities of the proposed amendments to the reportable events regulation.

On the basis of its proposed definition of small entity, PBGC certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that the amendments in this rule would not

[12] Although PBGC does not have data on multiemployer plans with fewer than 100 participants, approximately 165 multiemployer plans have 250 participants or fewer. See *http://www.pbgc.gov/Documents/pension-insurance-data-tables-2010.pdf.*

have a significant economic impact on a substantial number of small entities. Based on data for the 2012 fiscal year, PBGC estimates that 61 plans, very few of which would be considered a small plan, would be required to do the valuation requirement (19 would be required to perform the valuation annually while 42 would do so every three years). Seventeen plans, very few of which would be considered a small plan, would be required to submit a notice of proposed merger. Fifty-four plans, very few of which would be considered a small plan, would be relieved of the burden to issue an annual insolvency update. Accordingly, as provided in section 605 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), sections 603 and 604 would not apply. PBGC invites public comment on this burden estimate.

**Paperwork Reduction Act**

PBGC is submitting the information requirements under this proposed rule to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act. 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 collection of information in Part 4231 is approved under control number 1212–0022 (expires March 31, 2014). PBGC estimates that there will be 21 respondents each year and that the total annual burden of the collection of information will be about 5 hours and $6,900.

The collection of information in Part 4281 is approved under control number 1212–0032 (expires May 31, 2014). PBGC estimates that there will be 378 respondents each year and that the total annual burden of the collection of information will be about 6,160 hours and $43,050.

The collection of information in Part 4041A is not affected by this proposed rule.

Copies of PBGC's requests are posted at *http://www.pbgc.gov/res/laws-and-regulations/information-collections-under-omb-review.html* and may also be obtained free of charge by contacting the Disclosure Division of the Office of the General Counsel of PBGC, 1200 K Street NW., Washington, DC 20005, 202–326–4040. PBGC is proposing the following changes to these information requirements:

- PBGC proposes to change the requirement to provide advance notice to PBGC of a proposed merger from 120 days prior to the effective date of the merger to 45 days.
- PBGC proposes to eliminate the requirement to provide annual insolvency updates to PBGC and participants.

Comments on the paperwork provisions under this proposed rule should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974. Although comments may be submitted through March 31, 2014, the Office of Management and Budget requests that comments be received on or before February 28, 2014 to ensure their consideration. Comments may address (among other things)—

- Whether each proposed collection of information is needed for the proper performance of PBGC's functions and will have practical utility;
- The accuracy of PBGC's estimate of the burden of each proposed collection of information, including the validity of the methodology and assumptions used;
- Enhancement of the quality, utility, and clarity of the information to be collected; and
- Minimizing the burden of each 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.

**List of Subjects**

*29 CFR Part 4041A*

Pensions, Reporting and recordkeeping requirements.

*29 CFR Part 4231*

Pensions, Reporting and recordkeeping requirements.

*29 CFR Part 4281*

Pensions, Reporting and recordkeeping requirements.

For the reasons given above, PBGC proposes to amend 29 CFR Parts 4041A, 4231, and 4281 as follows:

## PART 4041A—TERMINATION OF MULTIEMPLOYER PLANS

■ 1. The authority citation for part 4041A continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1341a, 1441.

■ 2. Amend § 4041A.24 by:
■ a. Revising the section heading,
■ b. Revising paragraph (a),
■ c. Amending the first sentence of paragraph (b) by removing the word ''annual''.

The revisions read as follows:

**§ 4041A.24 Plan valuations and monitoring.**

(a) *Annual valuation.* The plan sponsor shall determine or cause to be determined in writing the value of nonforfeitable benefits under the plan and the value of the plan's assets, in accordance with part 4281, subpart B. This valuation shall be done not later than 150 days after the end of the plan year in which the plan terminates and each plan year thereafter except as provided in this paragraph. A plan year for which a valuation is performed is called a valuation year.

(1) If the value of nonforfeitable benefits for the plan is $25 million or less as determined for a valuation year, the plan sponsor may use the valuation for the next two plan years and, subject to paragraphs (a)(2) and (3) of this section, perform a new valuation pursuant to this paragraph for the third plan year after the previous valuation year.

(2) No valuation is required for a plan year for which the plan receives financial assistance from PBGC under section 4261 of ERISA.

(3) No valuation is required for the plan year in which the plan is closed out in accordance with subpart D of this part.

* * * * *

## PART 4231—MERGERS AND TRANSFERS BETWEEN MULTIEMPLOYER PLANS

■ 3. The authority citation for part 4231 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1411.

■ 4. Amend § 4231.8 by:
■ a. Revising the first sentence of paragraph (a)(1).
■ b. Amending paragraph (f)(1) by removing the words ''120 days after filing the notice'' and adding in their place the words ''the applicable notice period set forth in paragraph (a) of this section''.

The revisions read as follows:

**§ 4231.8 Notice of merger or transfer.**

(a)(1) *When to file.* Except as provided in paragraph (f) of this section, a notice of a proposed merger or transfer must be filed not less than 120 days, or not less than 45 days in the case of a merger for which a compliance determination under § 4231.9 is not requested, before the effective date of the transaction.

* * *

* * * * *

## PART 4281—DUTIES OF PLAN SPONSOR FOLLOWING MASS WITHDRAWAL

■ 5. The authority citation for part 4281 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1341(a), 1399(c)(1)(D), and 1441.

### § 4281.43 [Amended]

■ 6. Amend § 4281.43 by:
■ a. Revising the section to read ''Notices of Insolvency.''.
■ b. Removing paragraphs (b), (d), and (f); redesignating paragraph (c) as paragraph (b); and redesignating paragraph (e) as paragraph (c).

### § 4281.44 [Amended]

■ 7. Amend § 4281.44 by:
■ a. Revising the section heading to read ''Contents of notices of insolvency.''.
■ b. Amending paragraph (a) by removing paragraph (a)(4) and redesignating paragraphs (a)(5) through (a)(13) as paragraphs (a)(4) through (a)(12), respectively.
■ c. Removing paragraphs (c) and (d).

### § 4281.46 [Amended]

■ 8. In § 4281.46, paragraph (a) is amended by removing the words ''§ 4281.44(a)(1) through (a)(5) and (a)(7) through (a)(11)'' and adding in their place the words ''§ 4281.44(a)(1) through (a)(4) and (a)(6) through (a)(10)''.

### § 4281.47 [Amended]

■ 9. In § 4281.47, paragraph (c) is amended by removing the word ''(a)(5)'' and adding in its place the word ''(a)(4)''.

Issued in Washington, DC, this 16th day of January, 2014.

**Joshua Gotbaum,**

*Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 2014–01337 Filed 1–28–14; 8:45 am]

BILLING CODE 7709–02–P

## DEPARTMENT OF DEFENSE

## Defense Acquisition Regulations System

## 48 CFR Parts 212, 225, 232, and 252

**RIN 0750–AH86**

## Defense Federal Acquisition Regulation Supplement; Payment in Local Currency (Afghanistan) (DFARS Case 2013–D029)

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

**ACTION:** Proposed rule.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to incorporate into the DFARS policies and procedures concerning payment for contracts for performance in Afghanistan.

**DATES:** *Comment Date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before March 31, 2014, to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments, identified by DFARS Case 2013–D029, using any of the following methods:

*Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by inserting ''DFARS Case 2013–D029'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DFARS Case 2013–D029.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DFARS Case 2013–D029'' on your attached document. Follow the instructions for submitting comments.

*Email: dfars@mail.mil.* Include DFARS Case 2013–D029 in the subject line of the message.

*Fax:* 571–372–6094.

*Mail:* Defense Acquisition Regulations System, Attn: Mr. Mark Gomersall, OUSD(AT&L)DPAP(DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Gomersall, Defense Acquisition Regulations System, Attn: Mr. Mark Gomersall, OUSD(AT&L)DPAP(DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6099.

**SUPPLEMENTARY INFORMATION:**

### I. Background

DoD is proposing to amend the DFARS to provide policy and procedures at DFARS 212.301 and 232.72 on the use of a new solicitation provision at 252.232–7XXX, Notification of Payment in Local Currency (Afghanistan). This provision provides notification that the payment currency to be used for contracts for performance in Afghanistan shall be dependent on the nationality of the vendor. This rule implements the procedures concerning payment currency contained in the U.S. Central Command's Fragmentary Order (FRAGO) 09–1567 and FRAGO 10–143.

### II. Discussion and Analysis

The solicitation provision, 252.232–7XXX, provides that if the contract is awarded to a host nation vendor (Afghan), the contractor will receive payment in Afghani (local currency) via electronic funds transfer to a local (Afghan) banking institution. Contracts shall not be awarded to host nation vendors (Afghans) who do not bank locally. If awarded to other than a host nation vendor, the contract will be awarded in U.S. dollars.

Additionally, DFARS 225.7703–1 is added to provide direction to contracting officers to follow the procedures included at DFARS Procedures, Guidance, and Information (PGI) 225.7703–1(c) when issuing solicitations and contracts for performance in Afghanistan. The PGI reference provides a link to the U.S. Central Command's (CENTCOM) Operational Contract Support Policies and Procedures, Theater Business Clearance process for clearing contracts to be performed in CENTCOM's area of responsibility.

### III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### IV. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

This rule amends the DFARS by incorporating policies and procedures at DFARS 212.301 and 232.72 on the use of a new DFARS solicitation provision 252.232–7XXX, Notification of Payment in Local Currency (Afghanistan). This rule proposes to implement the payment currency procedures contained in the U.S. Central Command's Fragmentary Orders 09–1567 and 10–143. The provision provides notification that the payment currency to be used for contracts for performance in Afghanistan shall be dependent on the nationality of the vendor. Additionally, DFARS 225.7703–1 provides direction to contracting officers to follow the procedures at DFARS Procedures, Guidance, and Information 225.7703–1(c) when issuing solicitations and contracts for performance in Afghanistan.

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities because this rule merely provides requirements for payments to host nation vendors for performance in Afghanistan.

The proposed rule does not duplicate, overlap, or conflict with any other Federal rules.

**V. Paperwork Reduction Act**

The rule does not contain information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

**List of Subjects in 48 CFR Parts 212, 225, 232, and 252**

Government procurement.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 212, 225, 232, and 252 are proposed to be amended as follows:

■ 1. The authority citation for parts 212, 225, 232, and 252 continues to read as follows:

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

## PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Section 212.301 is amended by—

■ a. Redesignating paragraphs (f)(lii) through (lxvii) as (f)(liii) through (lxviii); and

■ b. Adding a new paragraph (f)(lii) as follows:

**212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.**

(f) * * *

(lii) Use the clause at 252.232–7XXX, Notification of Payment in Local Currency (Afghanistan), as prescribed in 237.7202.

* * * * *

## PART 225—FOREIGN ACQUISITIONS

■ 3. Section 225.7703–1 is amended by adding paragraph (c) to read as follows:

**225.7703–1 Acquisition procedures.**

* * * * *

(c) When issuing solicitations and contracts for performance in Afghanistan, follow the procedures at PGI 225.7703–1(c).

## PART 232—CONTRACT FINANCING

■ 4. Add subpart 232.72 to read as follows:

**Subpart 232.72—Payment in Local Currency (Afghanistan)**

Sec.

232.7200 Scope of subpart.
232.7201 Policy and procedures.
232.7202 Solicitation provision.

## Subpart 232.72—Payment in Local Currency (Afghanistan)

**232.7200 Scope of subpart.**

This subpart prescribes policies and procedures concerning the payment of contracts for performance in Afghanistan.

**232.7201 Policy and procedures.**

Payment currency used for contracts performed in Afghanistan shall be dependent on the nationality of the vendor pursuant to the authority of USCENTCOM Fragmentary Orders (FRAGOs) 09–1567 and 10–143. If the contract is awarded to a host nation vendor (Afghan), the contractor will be paid in Afghani (local currency) via electronic funds transfer to a local (Afghan) banking institution. Contracts shall not be awarded to host nation vendors who do not bank locally. If awarded to other than a host nation vendor, the contract will be awarded in U.S. dollars.

**232.7202 Solicitation provision.**

Use the provision at 252.232–7XXX, Notification of Payment in Local Currency (Afghanistan), in all solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, for performance in Afghanistan.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Section 252.232–7XXX is added as follows:

**252.232–7XXX Notification of Payment in Local Currency (Afghanistan).**

As prescribed in 232.7202, use the following provision:

**NOTIFICATION OF PAYMENT IN LOCAL CURRENCY (AFGHANISTAN) (Date)**

(a) This contract will be paid in Afghani (local currency) if the contract is awarded to a host nation vendor (Afghan), pursuant to the authority of USCENTCOM Fragmentary Order (FRAGO) 09–1567 and FRAGO 10–143. Contract payment will be made in Afghani (local currency) via electronic funds transfer (EFT) to a local (Afghan) banking institution, unless an exception in paragraph (c) applies. Contracts shall not be awarded to host nation vendors who do not bank locally. If award is made to other than a host nation vendor, the contract will be awarded in U.S. dollars.

(b) Vendors shall submit quotations and offers in U.S. dollars. If the contract is awarded to an Afghan vendor, the quotation or offer will be converted to Afghani using a Government budget rate of *[Insert current budget rate here]* Afghani per U.S. dollar.

(c) By exception, the following forms of payment are acceptable, in the following order of priority, when the local finance office determines that EFT using ITS.gov is not available:

(1) EFT using Limited Depository Account (LDA).

(2) Check from the local finance office LDA.

(3) Local currency cash payments in Afghani (must be approved in writing by the local finance office and contracting office prior to contract award). Payments in cash are restricted to contracts when—

(i) The vendor provides proof via a letter from the host nation banking institution that it is not EFT capable; and

(ii) The local finance office validates that the vendor's banking institution is not EFT capable. Cash payments will be made in Afghani.

(End of provision)

[FR Doc. 2014–01278 Filed 1–28–14; 8:45 am]

BILLING CODE 5001–06–P

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## DEPARTMENT OF DEFENSE

## Defense Acquisition Regulations System

## 48 CFR Parts 223 and 252

**RIN 0750–AI07**

## Defense Federal Acquisition Regulation Supplement: Storage, Treatment, and Disposal of Toxic or Hazardous Materials—Statutory Update (DFARS Case 2013–D013)

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

**ACTION:** Proposed rule.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to conform with statute, amend the clause prescriptions, and update the basic and alternate clause for the prohibition on storage, treatment, and disposal of toxic or hazardous materials.

**DATES:** *Comment Date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before March 31, 2014, to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2013–D013, using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DFARS Case 2013–D013'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DFARS Case 2013–D013.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DFARS Case 2013–D013'' on your attached document.

○ *Email: dfars@mail.mil.* Include DFARS Case 2013–D013 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Susan Williams, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Williams, Defense Acquisition Regulations System, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6092; facsimile 571–372–6101.

**SUPPLEMENTARY INFORMATION:**

## I. Background

DoD is proposing to amend DFARS subpart 223.71, currently titled ''Storage and Disposal of Toxic and Hazardous Materials,'' to conform subpart 223.71 to 10 U.S.C. 2692. Additionally, the contract clause at 252.223.7006 is being reformatted to facilitate the use of automated contract writing systems.

As part of DoD's retrospective analysis, a review of DFARS part 223 was conducted for the purpose of streamlining the regulations. It was determined that additional clarification to DFARS 223 is needed to assure compliance with existing standards under 10 U.S.C. 2692, entitled Storage, Treatment, and Disposal of Nondefense Toxic and Hazardous Materials. Originally, DAR case 92–D361 was opened in 1993 to address the requirements of the Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484), which modified 10 U.S.C. 2692. An interim rule, DAR case 92–D361, was published in the **Federal Register** on May 13, 1993, (58 FR 28458) to implement the requirements of 10 U.S.C. 2692 and DoD Directive 6050.8. Prior to the interim rule, no coverage existed in the DFARS. However, DoD Directive 6050.8, Storage and disposal of non-DOD owned hazardous or toxic materials on DoD installations, had been previously issued on February 27, 1986, to cover the requirements of 10 U.S.C. 2692. Over the years a number of amendments to the statute have been issued. DoD Directive 6050.8 was cancelled on September 10, 1998, as having served its purpose. Accordingly, this rule proposes to amend DFARS 223.71 to better align the DFARS to the current provisions set forth in 10 U.S.C. 2692 by—

- Revising text to reflect current language and restrictions contained within the statute;
- Reorganizing and partially rewriting sections to provide greater clarity to contracting officers;
- Adding a new clause prescription under 223.7104; and
- Revising the basic clause and alternate to require flowdown of the clause to subcontractors.

### *A. Discussion*

This rule proposes to make the following changes:

- Revise the 223.71 heading by adding the word ''treatment'' and changing ''toxic and hazardous'' to ''toxic or hazardous''. The revised heading is ''Storage, Treatment, and Disposal of Toxic or Hazardous Materials''.
- Add a new section 223.7101, Definitions, to include the terms ''storage'' and ''toxic or hazardous materials'' and provide a cross reference to clause 252.223–7006, ''Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials,'' where the terms are defined. The remaining sections in subpart 223.71 are renumbered as a result of adding the new section 223.7101, Definitions.
- Redesignate 223.7100, Policy, as section 223.7102, Policy. The redesignated section 223.7102, paragraph (a) adds the term ''treatment'' to the 10 U.S.C. 2692 list of prohibited actions and includes a statement that the prohibition applies to toxic or hazardous materials ''that are not owned either by DoD or by a member of the armed forces (or a dependent of the member) assigned to or provided military housing on the installation, unless an exception in 223.7104 applies.'' A new paragraph (b), implementing 10 U.S.C. 2692(c)(2), is added to state that when storage of toxic or hazardous materials is authorized based on imminent danger, the storage provided is required to be temporary and must cease once the imminent danger no longer exists. In all other cases, the storage or disposal is required to be terminated as determined by the Secretary.
- Redesignate 223.7101, Procedures, as section 223.7103, Procedures. The following changes are made to the redesignated section 223.7102. Paragraph (a) is redesignated as paragraph (b). The original paragraph (b) is redesignated as subparagraph (a)(2) and revised for purposes of clarity and to conform to 10 U.S.C. 2692(b)(11). A new subparagraph (a)(1) is added to clearly identify and direct the reader to the prohibition exceptions.
- Redesignate 223.7102, Exceptions, as section 223.7104, Exceptions. The following changes are made to the redesignated section 223.7104. Subparagraphs (a)(1) through (a)(9) are redesignated as (a)(2) through (a)(10), new subparagraphs (a)(1) and (a)(11) are added to the list of exceptions, and newly redesignated subparagraphs (a)(3), (a)(9), and (a)(10) are revised. Paragraph (b) is revised to require an additional finding by the Secretary of Defense that storage or disposal would not compete with private enterprise (see 10 U.S.C. 2692(c)). The additions and revisions to the redesignated section 223.7104 are as discussed below.

Subparagraph (a)(1) adds an exemption to the prohibition for the storage, treatment, or disposal of materials used in connection with an activity of DoD or in connection with a service performed on a DoD installation for the benefit of DoD (see 10 U.S.C. 2692(b)(1)).

Subparagraph (a)(3) is revised to expand the exception for storage or disposal of explosives when no alternative exists to State or local law enforcement under the conditions set forth in the subparagraph (see 10 U.S.C. 2692(b)(3)).

Subparagraph (a)(9) is revised to remove the term ''a private person'' and expands the exception for the storage of toxic or hazardous materials not owned by DoD but is required or generated in connection with the authorized and compatible use of a facility of DoD, including the use of such a facility for testing material or training personnel (see 10 U.S.C. 2692(b)(9)).

Subparagraph (a)(10) is revised to remove the term ''non-DoD owned material'' and replace it with ''toxic or hazardous materials not owned by DoD'', remove the term ''by a private person,'' remove the language concerning commercial use of an industrial facility and replace it to reflect use of a facility of that military department when the Secretary enters into a contract or agreement with the prospective user, and replace the term ''that person's'' with ''the prospective user's'' (see 10 U.S.C. 2692(b)(10)).

Subparagraph (a)(11) adds an exemption for the storage of material not owned by DoD when the Secretary of the military department concerned determines the material is required or generated in connection with the use of a space launch facility on a DoD installation or other land controlled by the United States (see 10 U.S.C. 2692(b)(11)).

- A new section 223.7105, Reimbursement, is added to provide that the Secretary of Defense may assess a charge for any storage or disposal provided under the subpart. Any assessed costs shall be identified in the contract and are required to be paid to the Government on a reimbursable cost basis and (see 10 U.S.C. 2692(d)(1)).
- Redesignate 223.7103, Contract clause, as section 223.7106, Contract clause, and revise the clause title to read ''Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials''. The changes made to the redesignated section 223.7106 are discussed below.

Paragraph (a) revises the basic clause prescription by broadening the clause application to include solicitations and contracts that may require access to a DoD installation, unless a determination is made under 223.7104(a)(10). Offerors and contractors requiring access to a DoD installation will be put on notice of the prohibition of storing, treating, or disposing of non-DoD toxic or hazardous waste on a DoD installation.

Paragraph (b) is revised to reflect the revised title for the alternate clause and the redesignation of 223.7102(a)(9) as 223.7104(a)(10).

- The clause 252.223–7006 titled is revised to read ''Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials.'' New clause preface paragraphs (a) and (b) are added to address use of the basic and alternate clauses. Additional changes are made to the basic and alternate clauses as discussed below:

The basic clause is expanded to include the treatment and reimbursement of costs to the Government. A requirement to flow down the substance of the basic clause is also added.

The alternate clause is modified to reflect the redesignation of 223.7102(a)(9) as 223.7104(a)(10). The flowdown provision is expanded to all subcontractors that may be permitted access to a DoD installation. The alternate clause also clarifies that the substance of the clause shall be flowed down to all subcontract tiers and that the prime Contractor is not relieved of liability by flowing the substance of the clause down to subcontractors.

*B. Clause With an Alternate*

In order to facilitate the use of automated contract writing systems, DoD is processing multiple cases, by DFARS part, to modify the naming convention for clauses with alternates, revise the clause prescriptions and clause prefaces, and provide the full text of each alternate in the regulation.

This rule proposes to revise the title of the basic clause and its alternate, consistent with the new naming convention for clauses with alternates. The title of the basic clause is revised to read ''Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials–Basic.'' Likewise, the title of the alternate clause is revised to read ''Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials–Alternate'' in lieu of ''Alternate I''.

Providing the full text of the alternate clause in the regulation should make the clause clearer to DoD contracting officers and to offerors. The current convention for alternates is to show in the regulation only the changed material that differs from the basic solicitation provision or clause. Providing the full text of the alternate in the regulation will clarify the paragraph substitutions.

## III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a significant regulatory action and, therefore, is subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

## IV. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq,* because the objective of the rule is to conform the DFARS with the statute regarding the storage, treatment, or disposal of toxic or hazardous materials not owned by DoD on DoD installations and to facilitate the use of automated contract writing systems. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

The legal basis for the rule is 10 U.S.C. 2692, as amended. DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to conform to the statute and apply the new paradigm for clauses with alternates.

This rule affects contractors and subcontractors performing contracts that involve the storage, treatment, or disposal of toxic or hazardous materials not owned by DoD on a DoD installation. The Federal Procurement Data System does not provide identification of how many contractors and subcontractors (whether large or small) may be affected. Although the rule does provide more exceptions to the prohibition, as provided in 10 U.S.C. 2692, it also implements 10 U.S.C. 2692(d)(1), which provides that the Secretary of Defense may assess a charge for any storage or disposal provided under this section. Any such charge shall be on a reimbursable cost basis.

The rule does not duplicate, overlap, or conflict with any other Federal rules. No alternatives were determined that will accomplish the objectives of the rule.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2013–D013), in correspondence.

## V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

## List of Subjects in 48 CFR Parts 223 and 252

Government procurement.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 223 and 252 are proposed to be amended as follows:

■ 1. The authority citation for parts 223 and 252 continues to read as follows:

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

## PART 223—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

■ 2. Revise subpart 223.71 to read as follows:

### Subpart 223.71—Storage, Treatment, and Disposal of Toxic or Hazardous Materials

Sec.
223.7101 Definitions.
223.7102 Policy.
223.7103 Procedures.
223.7104 Exceptions.
223.7105 Reimbursement.
223.7106 Contract clause.

## Subpart 223.71—Storage, Treatment, and Disposal of Toxic or Hazardous Materials

### 223.7101 Definitions.

As used in this subpart, the terms *storage* and *toxic or hazardous materials* are defined in the clause at 252.223–7006, Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials.

### 223.7102 Policy.

(a) 10 U.S.C. 2692 prohibits storage, treatment, or disposal on DoD installations of toxic or hazardous materials that are not owned either by DoD or by a member of the armed forces (or a dependent of the member) assigned to or provided military housing on the installation, unless an exception in 223.7104 applies.

(b) When storage of toxic or hazardous materials is authorized based on an imminent danger, the storage provided shall be temporary and shall cease once the imminent danger no longer exists. In all other cases of storage or disposal, the storage or disposal shall be terminated as determined by the Secretary of Defense.

### 223.7103 Procedures.

(a)(1) Storage, treatment, or disposal of toxic or hazardous materials not owned by DoD on a DoD installation is prohibited unless—

(i) One or more of the exceptions set forth in 223.7104(a) is met including requisite approvals; or

(ii) Secretary of Defense authorization is obtained under the conditions set forth in 223.7104(b).

(2) When storage, treatment, or disposal of toxic or hazardous materials not owned by DoD is authorized in accordance with this subpart, the contract shall specify the types and quantities of toxic or hazardous materials that may be temporarily stored, treated, or disposed of in connection with the contract or as a result of the authorized use of a DoD facility or space launch facility. All solicitations and contracts shall specify the conditions under which storage, treatment, or disposal is authorized.

(b) If the contracting officer is uncertain as to whether particular activities are prohibited or fall under one of the exceptions in 223.7104, the contracting officer should seek advice from the cognizant office of counsel.

### 223.7104 Exceptions.

(a) The prohibition of 10 U.S.C. 2692 does not apply to any of the following:

(1) The storage, treatment, or disposal of materials that will be or have been used in connection with an activity of DoD or in connection with a service to be performed on a DoD installation for the benefit of DoD.

(2) The storage of strategic and critical materials in the National Defense Stockpile under an agreement for such storage with the Administrator of General Services Administration.

(3) The temporary storage or disposal of explosives in order to protect the public or to assist agencies responsible for Federal, State, or local law enforcement in storing or disposing of explosives when no alternative solution is available, if such storage or disposal is made in accordance with an agreement between the Secretary of Defense and the head of the Federal, State, or local agency concerned.

(4) The temporary storage or disposal of explosives in order to provide emergency lifesaving assistance to civil authorities.

(5) The disposal of excess explosives produced under a DoD contract, if the head of the military department concerned determines, in each case, that an alternative feasible means of disposal is not available to the contractor, taking into consideration public safety, available resources of the contractor, and national defense production requirements.

(6) The temporary storage of nuclear materials or nonnuclear classified materials in accordance with an agreement with the Secretary of Energy.

(7) The storage of materials that constitute military resources intended to be used during peacetime civil emergencies in accordance with applicable DoD regulations.

(8) The temporary storage of materials of other Federal agencies in order to provide assistance and refuge for commercial carriers of such material during a transportation emergency.

(9) The storage of any material that is not owned by DoD, if the Secretary of the military department concerned determines that the material is required or generated in connection with the authorized and compatible use of a facility of DoD, including the use of such a facility for testing material or training personnel.

(10) The treatment and disposal of any toxic or hazardous materials not owned by DoD if the Secretary of the military department concerned determines that the material is required or generated in connection with the authorized and compatible use of a facility of that military department and the Secretary enters into a contract or agreement with the prospective user that—

(i) Is consistent with the best interest of national defense and environmental security; and

(ii) Provides for the prospective user's continued financial and environmental responsibility and liability with regard to the material.

(11) The storage of any material that is not owned by DoD if the Secretary of the military department concerned determines that the material is required or generated in connection with the use of a space launch facility located on a DoD installation or on other land controlled by the United States.

(b) The Secretary of Defense may grant an exception to the prohibition in 10 U.S.C. 2692 when essential to protect the health and safety of the public from imminent danger if the Secretary otherwise determines the exception is essential and if the storage or disposal authorized does not compete with private enterprise.

### 223.7105 Reimbursement.

The Secretary of Defense may assess a charge for any storage or disposal provided under this subpart. If a charge

is to be assessed, then such assessment shall be identified in the contract with payment to the Government on a reimbursable cost basis.

**223.7106 Contract clause.**

Use the basic or the alternate of the clause at 252.223–7006, Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials, in all solicitations and contracts which require, may require, or permit contractor access to a DoD installation.

(a) Use the clause Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials–Basic, unless a determination is made under 223.7104(a)(10).

(b) Use the clause Prohibition on Storage, Treatment and Disposal of Toxic or Hazardous Materials–Alternate I, when the Secretary of the military department issues a determination under the exception at 223.7104(a)(10).

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Section 252.223–7006 is revised to read as follows:

**252.223–7006 Prohibition on storage, treatment, and disposal of toxic or hazardous materials.**

As prescribed in 223.7106, use the basic clause or its alternate:

*Basic:* As prescribed at 223.7106(a), use the following clause:

### PROHIBITION ON STORAGE, TREATMENT, AND DISPOSAL OF TOXIC OR HAZARDOUS MATERIALS–BASIC (DATE)

(a) *Definitions.* As used in this clause—

*Storage* means a non-transitory, semi-permanent or permanent holding, placement, or leaving of material. It does not include a temporary accumulation of a limited quantity of a material used in or a waste generated or resulting from authorized activities, such as servicing, maintenance, or repair of Department of Defense (DoD) items, equipment, or facilities.

*Toxic or hazardous materials* means:

(i) Materials referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (42 U.S.C. 9601(14)) and materials designated under section 102 of CERCLA (42 U.S.C. 9602) (40 CFR Part 302);

(ii) Materials that are of an explosive, flammable, or pyrotechnic nature; or

(iii) Materials otherwise identified by the Secretary of Defense as specified in DoD regulations.

(b) In accordance with 10 U.S.C. 2692, the Contractor is prohibited from storing, treating, or disposing of toxic or hazardous materials not owned by DoD on a DoD installation, except to the extent authorized by a statutory exception to 10 U.S.C. 2692 or as authorized by the Secretary of Defense. A charge may be assessed for any storage or disposal authorized under any of the exceptions to 10 U.S.C. 2692. If a charge is to be assessed, then such assessment shall be identified elsewhere in the contract with payment to the Government on a reimbursable cost basis.

(c) The Contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts that require, may require, or permit a subcontractor access to a DoD installation, at any subcontract tier.

(End of clause)

*Alternate I.* As prescribed in 223.7106(b), use the following clause, which revises and redesignates paragraph (c) of the basic clause as paragraph (d), adds a new paragraph (c), and revises paragraph (d).

### PROHIBITION ON STORAGE, TREATMENT, AND DISPOSAL OF TOXIC OR HAZARDOUS MATERIALS—ALTERNATE I (DATE)

(a) *Definitions.* As used in this clause—

*Storage* means a non-transitory, semi-permanent or permanent holding, placement, or leaving of material. It does not include a temporary accumulation of a limited quantity of a material used in or a waste generated or resulting from authorized activities, such as servicing, maintenance, or repair of Department of Defense (DoD) items, equipment, or facilities.

*Toxic or hazardous materials* means:

(i) Materials referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (42 U.S.C. 9601(14)) and materials designated under section 102 of CERCLA (42 U.S.C. 9602) (40 CFR Part 302);

(ii) Materials that are of an explosive, flammable, or pyrotechnic nature; or

(iii) Materials otherwise identified by the Secretary of Defense as specified in DoD regulations.

(b) In accordance with 10 U.S.C. 2692, the Contractor is prohibited from storing, treating, or disposing of toxic or hazardous materials not owned by DoD on a DoD installation, except to the extent authorized by a statutory exception to 10 U.S.C. 2692 or as authorized by the Secretary of Defense. A charge may be assessed for any storage or disposal authorized under any of the exceptions to 10 U.S.C. 2692. If a charge is to be assessed, then such assessment shall be identified elsewhere in the contract with payment to the Government on a reimbursable cost basis.

(c) With respect to treatment or disposal authorized pursuant to DFARS 223.7104(10) (10 U.S.C. 2692(b)(10), and notwithstanding any other provision of the contract, the Contractor assumes all financial and environmental responsibility and liability resulting from any treatment or disposal of toxic or hazardous materials not owned by DoD on a military installation. The Contractor shall indemnify, defend, and hold the Government harmless for all costs, liability, or penalties resulting from the Contractor's treatment or disposal of toxic or hazardous materials not owned by DoD on a military installation.

(d) The Contractor shall include the substance of this clause, including this paragraph (d), in all subcontracts that require, may require, or permits a subcontractor access to a DoD installation, at any tier. Inclusion of the substance of this clause in subcontracts does not relieve the prime Contractor of liability to the Government under paragraph (c).

(End of clause)

[FR Doc. 2014–01277 Filed 1–28–14; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 17

**[Docket No. FWS–R2–ES–2012–0071; 4500030113]**

**RIN 1018–AY21**

## Endangered and Threatened Wildlife and Plants; Listing the Lesser Prairie-Chicken as a Threatened Species With a Special Rule

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the reopening of the comment period on the December 11, 2013, proposed revised special rule under authority of section 4(d) of the Endangered Species Act of 1973, as amended (Act), that provides measures that are necessary and advisable to provide for the conservation of the lesser prairie-chicken (*Tympanuchus pallidicinctus*). In addition, we announce the reopening of the public comment period on the December 11, 2012, proposed rule to list the lesser prairie-chicken as a threatened species under the Act. We are reopening the comment period to allow all interested parties an opportunity to comment on the final Lesser Prairie-Chicken Range-Wide Conservation Plan, which has been prepared by the Lesser Prairie-Chicken Interstate Working Group, and our endorsement of the plan, and we request comments on the plan as it relates to our determination of status under section 4(a)(1) of the Act. The final plan is available on the Internet in Docket No. FWS–R2–ES–2012–0071 at *http://www.regulations.gov.*

**DATES:** The comment period for the proposed rule published December 11, 2012 (77 FR 73827), is reopened. We will accept comments received or postmarked on or before February 12,

2014. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

**ADDRESSES:** *Document availability:* The December 11, 2012, proposed rule (77 FR 73827), the December 11, 2013, revision of that proposed rule (78 FR 75306), and the final Lesser Prairie-Chicken Range-Wide Conservation Plan are all available via the Federal electronic rulemaking portal at *http://www.regulations.gov* in Docket No. FWS–R2–ES–2012–0071.

*Comment submission:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R2–ES–2012–0071, which is the docket number for this rulemaking. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2012–0071; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by one of the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

**FOR FURTHER INFORMATION CONTACT:** Jontie Aldrich, Field Supervisor, Oklahoma Ecological Services Field Office, 9014 East 21st Street, Tulsa, OK 74129; by telephone 918–581–7458 or by facsimile 918–581–7467. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

## Public Comments

To allow the public to comment simultaneously on this revised proposed 4(d) special rule and the proposed listing rule, we also announce the reopening of the comment period on the Service's December 11, 2012, proposed rule to list the lesser prairie-chicken as a threatened species under the Act. We intend to finalize the revised proposed 4(d) special rule concurrent with the final listing rule, if the results of our final listing determination conclude that threatened species status is appropriate and if we determine that this revised proposed 4(d) special rule is appropriate following public comment. Any final action resulting from the proposed rules will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, general public, and other interested parties concerning the proposed listing rule and revised proposed 4(d) special rule. We particularly seek comments regarding:

(1) The historical and current status and distribution of the lesser prairie-chicken, its biology and ecology, specific threats (or lack thereof) and regulations that may be addressing those threats and ongoing conservation measures for the species and its habitat.

(2) Information relevant to the factors that are the basis for making a listing determination for a species under section 4(a) of the Act, which are:

(a) The present or threatened destruction, modification, or curtailment of the species' habitat or range;

(b) Overutilization for commercial, recreational, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms; or

(e) Other natural or manmade factors affecting its continued existence and threats to the species or its habitat.

(3) Application of the Lesser Prairie-Chicken Interstate Working Group's final Lesser Prairie-Chicken Range-Wide Conservation Plan to our determination of status under section 4(a)(1) of the Act, particularly comments or information to help us assess the certainty that the plan will be effective in conserving the lesser prairie-chicken and will be implemented.

(4) Which areas would be appropriate as critical habitat for the species and why areas should or should not be proposed for designation as critical habitat, including whether any threats to the species from human activity would be expected to increase due to the designation and whether that increase in threat would outweigh the benefit of designation such that the designation of critical habitat may not be prudent.

(5) Specific information on:

(a) The amount and distribution of habitat for the lesser prairie-chicken;

(b) What may constitute ''physical or biological features essential to the conservation of the species,'' within the geographical range currently occupied by the species;

(c) Where these features are currently found;

(d) Whether any of these features may require special management considerations or protection;

(e) What areas, that were occupied at the time of listing (or are currently occupied) and that contain features essential to the conservation of the species, should be included in the designation and why; and

(f) What areas not occupied at the time of listing are essential for the conservation of the species and why.

(6) Information on the projected and reasonably likely impacts of climate change on the lesser prairie-chicken and its habitat.

(7) Whether measures outlined in this revised proposed 4(d) special rule are necessary and advisable for the conservation and management of the lesser prairie-chicken.

(8) Whether the provision related to the continuation of routine agricultural practices on existing cultivated lands should more clearly differentiate between row crop agriculture and other cropped areas, such as managed grasslands, forage, or other untilled crops.

(9) Whether the provision related to the continuation of routine agricultural practices on existing cultivated lands should be revised to include spatial or temporal restrictions or deferments.

(10) Additional provisions the Service may wish to consider for a 4(d) special rule in order to conserve, recover, and manage the lesser prairie-chicken.

If you previously submitted comments or information, please do not resubmit them. We have incorporated them into the public record and will fully consider them. We will consider all comments and information received during our preparation of a final determination on the status of the species and the 4(d) special rule. Accordingly, the final decision may differ from this proposal.

Please note that comments merely stating support for or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is a threatened or endangered species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning this revised proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.* Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation we used in preparing this revised proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Oklahoma Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

## Background

On December 11, 2012, we published a proposed rule (77 FR 73827) to list the lesser prairie-chicken as a threatened species under the Act. On May 6, 2013, we published a proposed special rule (78 FR 26302) under authority of section 4(d) of the Act that provides measures that are necessary and advisable to provide for the conservation of the lesser prairie-chicken. We then published in the **Federal Register** on December 11, 2013 (78 FR 75306), a proposed revised 4(d) special rule to outline the prohibitions, and exceptions to those prohibitions, necessary and advisable for the conservation of the lesser prairie-chicken. We are now reopening the comment period on the proposed rules to allow the public the opportunity to comment on the final Lesser Prairie-Chicken Range-Wide Conservation Plan, which was not available on the Web sites as stated in our December 11, 2013, **Federal Register** document.

Since the time of the proposed listing rule and proposed 4(d) special rule, the Lesser Prairie-Chicken Interstate Working Group, in association with the Western Association of Fish and Wildlife Agencies, finalized the Lesser Prairie-Chicken Range-Wide Conservation Plan. On October 23, 2013, the Service announced our endorsement of the Lesser Prairie-Chicken Range-Wide Conservation Plan (dated October 2013) as a comprehensive conservation program that reflects a sound conservation design and strategy that, when implemented, will provide a net conservation benefit to the lesser prairie-chicken. We would like to consider the conservation measures in this plan in our final listing determination for the lesser prairie-chicken. As such, we are reopening the comment period to allow the public an opportunity to provide comment on the October 2013 plan as it applies to our determination of status under section 4(a)(1) of the Act, particularly comments or information to help us assess the certainty that the October 2013 Lesser Prairie-Chicken Range-Wide Conservation Plan will be effective in conserving the lesser prairie-chicken and will be implemented. The final plan is available on the Internet in Docket No. FWS–R2–ES–2012–0071 at *http://www.regulations.gov.*

## Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 24, 2014.

**Daniel M. Ashe,**

*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2014–01786 Filed 1–28–14; 8:45 am]

BILLING CODE 4310–55–P

# Notices

Federal Register

Vol. 79, No. 19

Wednesday, January 29, 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

January 23, 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.

#### Foreign Agricultural Service

*Title:* Export Sales (Reporting Program) of U.S. Agricultural Commodities.

*OMB Control Number:* 0551–0007.

*Summary of Collection:* The export sales reporting system provides commodity market participants with information about commodity export commitments, and is one means by which USDA seeks to insure fairness and soundness in commodity marketing. U.S. exports are required to report to the Foreign Agricultural Service (FAS) information on: (1) The quantity of a reportable commodity to be sold to a foreign buyer; (2) the country of destination; and (3) the marketing year of shipment. The authority to collect this information is found at 7 CFR Part 20 and the Agricultural Trade Act of 1978 (7 U.S.C. 5712).

*Need and Use of the Information:* The collected information is needed because it provides up-to-date market data for making rational export policy decisions to prevent market disruptions. FAS reports the information to the public so that all market participants can be aware of such sales and can evaluate the effects of exports on supply and demand estimates of production, prices, and sales. If the information is not collected, the Department would not be in compliance with the statutes and not fulfilling the objectives of the export sales reporting program.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 380.

*Frequency of Responses:* Reporting: Quarterly; weekly.

*Total Burden Hours:* 47,907.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2014–01698 Filed 1–28–14; 8:45 am]

BILLING CODE 3410–10–P

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

January 23, 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 and other forms of information technology.

Comments regarding this information collection received by February 28, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### Forest Service

*Title:* Outreach/Ethnicity Questionnaires.

*OMB Control Number:* 0596–0207.

*Summary of Collection:* Title VI of the Civil Rights Act prohibits discrimination based on race, color, or national origin in federally assisted or direct programs of the Federal Government. Section 703 in Title VII of the Civil Rights Act prohibits discrimination in employment based on

race, color, religion, sex, or national origin in actions affecting employees or applicants for employment. The Forest Service requires outreach and recruitment of diverse candidates as a strategy to create a diverse and multicultural workforce within the agency. The Forest Service will do two questionnaires, FS–NRS–1700–1 and FS–1700–5 to collect information regarding ethnicity and race, the program in which the respondent is currently participating, and information from students attending local college and university career fairs about the effectiveness of information provided by personnel regarding career opportunities in the Forest Service.

*Need and Use of the Information:* The information will be used to evaluate effectiveness of the Civil Rights Outreach Programs conducted by the Northern Research Station as well as the Forest Service's Youth Conservation Corps, Hosted programs, Job Corps, and Volunteer programs. This information will assist in the compilation of the Senior Youth and Volunteer Programs Report shared with Congress and other Federal agencies.

*Description of Respondents:* Individuals or households.

*Number of Respondents:* 1,451,000.

*Frequency of Reponses:* Reporting: Yearly.

*Total Burden Hours:* 43,530.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2014–01700 Filed 1–28–14; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

January 23, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by February 28, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

#### Animal and Plant Health Inspection Service

*Title:* Phytophthora Ramorum; Quarantine and Regulations.

*OMB Control Number:* 0579–0310.

*Summary of Collection:* Under the Plant Protection Act (7 U.S.C. 7701 et seq.), the Secretary of Agriculture, either independently or in cooperation with the States, is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pest new to the United States or not widely distributed throughout the United States. Under ''Subpart-Phytophthora Ramorum'' (7 CFR 301.92 through 301.92–12, referred to as the regulation), USDA's Animal and Plant Health Inspection Service (APHIS) restricts the interstate movement of certain regulated and restricted articles from quarantined areas in California and Oregon and regulated areas from California, Oregon, and Washington to prevent the artificial spread of Phytophthora ramorum, the pathogen that causes the plant disease commonly known as sudden oak death, ramorum left blight, and ramorum dieback.

*Need and Use of the Information:* APHIS will collect information through a compliance agreement to establish restrictions on the interstate movement of nursery stock from nurseries in non-quarantined counties in California, Oregon, and Washington. If California, Oregon, and Washington State did not comply with provisions by signing a compliance agreement, *P. ramorum* would have the potential to spread to eastern forests adversely impacting the ecosystem balances, foreign/domestic nursery stocks, and lumber markets.,

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 1,505.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion,

*Total Burden Hours:* 2,132.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2014–01699 Filed 1–28–14; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

January 23, 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), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received by February 28, 2014. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**Rural Housing Service**

*Title:* Rural Community Development Initiative (RCDI).

*OMB Control Number:* 0575–0180.

*Summary of Collection:* Congress created the Rural Community Development Initiative (RCDI) in fiscal year 2000 and funds was appropriated under the Rural Community Advancement Program. The intent of the RCDI grant program is to develop the capacity and ability of rural area recipients to undertake projects through a program of financial and technical assistance provided by qualified intermediary organizations. The intermediary is the applicant and must have been organized a minimum of 3 years at the time of application. The intermediary may be a qualified private, nonprofit, or public (including tribal) organization. Intermediaries are required to provide matching funds in an amount equal to the RCDI grant. Eligible recipients are private, nonprofit community-based housing and community development organizations, low-income rural communities or federally recognized Indian tribes.

*Need and Use of the Information:* RHS will collect information to determine applicant/grantee eligibility, project feasibility, and to ensure that grantees operate on a sound basis and use grant funds for authorized purposes. Failure to collect this information could result in improper use of Federal funds.

*Description of Respondents:* Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 1,260.

*Frequency of Responses:* Recordkeeping; Reporting: Quarterly; Annually; Third party disclosure.

*Total Burden Hours:* 4,188.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2014–01701 Filed 1–28–14; 8:45 am]

BILLING CODE 3410–XV–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Uinta-Wasatch-Cache National Forest; Utah; Uinta Express Pipeline Project

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** Uinta Express Pipeline Company LLC, a subsidiary of Tesoro Refining & Marketing Company LLC, has submitted a special use application requesting authorization to construct and maintain a crude oil pipeline from the Uinta Basin to Salt Lake City, Utah. The project is known as the Uinta Express Pipeline (''Project''). The Uinta-Wasatch-Cache National Forest (UWCNF) is responding to the application to determine if a special use authorization should be granted, what terms and conditions such an authorization should contain, and evaluate if any project specific land use plan amendments may be required. The objective of Project proponents is to transport crude oil from the Uinta Basin and transport it via pipeline rather than trucks for refining in Salt Lake City. The pipeline and its alternatives are comprised of approximately 120 to 135 miles of underground 12-inch pipeline and ancillary facilities.

**DATES:** Comments concerning the scope of the analysis must be received by 45 days from date of publication in the Salt Lake Tribune (Newspaper of Record). The draft environmental impact statement is expected in winter of 2014 and the final environmental impact statement is expected spring of 2015.

**ADDRESSES:** Send written comments to Uinta-Wasatch-Cache Forest Supervisor's Office, Attn: Nelson Gonzalez-Sullow, 857 West South Jordan Parkway, South Jordan, UT 84095–8594. Comments may also be sent via email to *uwc_info@fs.fed.us* or via facsimile to (801) 253–8118.

**FOR FURTHER INFORMATION CONTACT:** Larry Lucas, Recreation and Lands Staff Officer by phone at (801) 999–2157 or by email at *lclucas@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 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

### Purpose and Need for Action

The UWCNF is intending to develop an Environmental Impact Statement in response to the applicants request for a special use authorization.

The objective of the project applicant is to seek permission from the UWCNF to transport crude oil from the Uinta Basin via pipeline rather than trucks for refining in Salt Lake City. The pipeline is comprised of approximately 135 miles of underground 12-inch pipeline and ancillary facilities. Approximately 14 miles are proposed to cross NFS land administered by the UWCNF.

The construction of this project is desired to provide a safer and more efficient transportation route for crude oil produced in the Uinta Basin of Utah.

Production of crude oil within Duchesne County, Utah has increased from 8.7 Million Barrels (MM BBL) in 2008 to 11.9 MM BBL in 2011. Production in 2012 was nearly 14 MM BBL, and 2013 is on pace for 18 MM BBL. This represents a 54% increase over the last five years. New drilling technology continues to improve the ability for economical extraction of Uinta Basin crude. The majority of this production is currently transported via tanker truck to Salt Lake City.

The oil produced from the Uinta Basin is paraffinic crude that is not compatible with the current pipeline infrastructure in Utah. The product must be maintained at an elevated temperature in order to flow through a pipeline. Other pipelines in the area were not designed to maintain the temperatures that Uinta crude requires. Therefore, the Uinta crude is currently loaded into trucks and transported via road to refineries. The unique composition of the Uinta crude also hinders its transportation to markets outside of the Salt Lake metropolitan area.

Several refineries in the Salt Lake metropolitan area have announced planned upgrades to increase the capacity to process crude produced in Utah, including the Uinta Basin.[1] These planned upgrades will take advantage of the relatively lower price of locally produced crude. The project provides infrastructure to deliver typically lower priced, locally produced crude oil to market in an environmentally responsible and safe manner.

The planned increases in production and refining capacities have state lawmakers and transportation officials concerned about the capacity and capability of the existing highway infrastructure.[2] The construction of the

[1] Salt Lake Tribune, 6/1/2012; *http://www.sltrib.com/sltrib/money/54044681-79/utah-refinery-oil-crude.html.csp*; Accessed 8/21/2012.

[2] Salt Lake Tribune, 8/15/2012; *http://www.sltrib.com/sltrib/money/54703446-79/uinta-crude-transportation-basin.html.csp*; Accessed 8/21/2012.

project considers pipeline transmission as more viable long-term method of delivery to the Salt Lake metropolitan area. In addition, the project considers it a benefit to the public by removing a portion of the tanker truck traffic from the highways in the region thereby potentially reducing the cost of highway maintenance and upgrades.

**Proposed Action**

Five principal facilities will be located along the project, one origin station and four intermediate stations. The origin station will consist of truck offloading racks, product storage, pumps, launcher/receivers, piping, valves, fittings, and power generation. This origination facility would be located on private property and would be approximately 20 acres. The four intermediate stations for the project are approximately five acres each and located on private property. There are seven main line block valves locations and other minor above ground appurtenances that also will be located on private property.

The project would be constructed primarily on private lands and cross approximately 14 miles of NFS land administered by the UWCNF, U.S. Forest Service (FS). The proposed pipeline right-of-way would be a minimum of 50-feet wide and up to 100-feet wide on National Forest System lands once constructed (right-of-way may be wider off of NFS lands). Many areas of the proposed pipeline route would utilize existing pipeline right-of-way routes or utility corridors and parallel Chevron, Questar and Kern River pipelines. The pipeline is further described as 12″ carbon steel pipe, .375 WT, API 5L, X52, insulated (HDPE) jacketed, externally coated, and buried at a minimum depth of three feet. System pressure designs are currently projected to be between 1,200 and 1,400 psi maximum operating pressure (MOP).

**Possible Alternatives**

A route review and investigation was conducted that identified three options:

- Northern Route (Proposed Action)
- East Canyon Route
- Southern Route

The northern route is generally a 135 mile option that parallels portions of the existing Chevron crude pipeline for the first 40 miles from the origin point to Francis, UT. From Francis, the pipeline bears north to Coalville, UT in many areas paralleling existing Questar distribution pipelines. At Coalville it meets with the Kern River natural gas pipeline. The pipeline would then parallel the Kern River pipeline to about the top of the Wasatch Range. From here the route would roughly parallel a Questar natural gas pipeline west to the town of Bountiful, UT, and on to the east side of Utah Highway 67. The pipeline would then bear south connecting to multiple Salt Lake area refineries.

The east canyon route is generally a 135-mile option that follows the northern route for the first 90 miles, then bears west to the Park City area. From Park City, the pipeline would parallel East Canyon Creek to join with the Kern River pipeline. The pipeline would then parallel the Kern River pipeline to about the top of the Wasatch Range. From here the route would roughly parallel a Questar natural gas pipeline west to the town of Bountiful, UT, and on to the east side of Utah Highway 67. The pipeline would then bear south connecting to multiple Salt Lake area refineries.

The southern route is generally a 120-mile option that follows the northern route for the first 90 miles and then roughly parallels the existing Chevron crude oil pipeline into and through Salt Lake City connecting to multiple Salt Lake area refineries.

The northern route was identified as the proposed action, based principally on permitting and ''Right of Way'' (ROW) acquisition, minimizing areas of disturbance, and utilizing previously established utility corridors, despite being the longest route of the proposed options.

Under all alternatives, approximately 14 miles are on NFS land and the remainder on private lands. The segments crossing NFS land follow forest plan (both Uinta and Wasatch-Cache Forest Plans were revised in 2003) designated utility corridors. The right-of-way would be a minimum of 50-feet wide and up to 100-feet wide on NFS land once constructed (right-of-way may be wider off of NFS land). Many reaches of the pipeline route would utilize existing pipeline routes or utility corridors and parallel Chevron, Questar and Kern River pipelines right-of-way. These existing corridors form portions of the boundaries of 4 Inventoried Roadless Area (IRAs). Under all alternatives, the project would be located outside of the IRAs on the opposite (non-roadless) side of the existing pipeline, except at one point where two of these IRAs come together and encroachment into an IRA cannot be avoided. At this point, the project must cross the tip of the 8,810 acre Nobletts IRAs. Routing around the IRAs is not feasible. No roads will be constructed in IRAs, but a small amount of incidental tree clearing (<1.0 acre) will be required at this point.

**Responsible Official**

Uinta-Wasatch-Cache National Forest Supervisor.

**Nature of Decision To Be Made**

The decision to be made is whether or not to approve grantng a special use authorization for the construction and maintenance of the Uinta Express Pipeline.

**Preliminary Issues**

Preliminary issues are the effects of the project on transportation safety, air quality, visual resources, surface and groundwater quality, noise levels, land use (including roadless area impact), vegetation and wildlife.

**Scoping Process**

This notice of intent initiates the 45-day scoping process, which guides the development of the environmental impact statement.

Two open house meetings will be held—one in Bountiful City and another in Heber City—to provide stakeholders and the general public with information about the proposed project and to provide a forum for submitting comments.

- Wednesday, February 19, 2014; 6–8 p.m., Wasatch High School, Heber City, UT
- Thursday, February 20, 2014; 6–8 p.m., Bountiful High School, Bountiful, UT

Written comments will be accepted throughout the 45-day period. Comments can be hand delivered from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. Electronic comments must be submitted in a format such as an email message, rich text format (.rtf) or Word (.doc) to *uwc_info@fs.fed.us,* by facsimile to (801) 253–8118, or to: Nelson Gonzalez-Sullow, Uinta-Wasatch-Cache National Forest Supervisor's Office, 857 West South Jordan Parkway, South Jordan, UT 84095–8594.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement; therefore, comments should be provided prior to the close of the 45-day scoping period and should clearly articulate the reviewer's concerns and contentions. The scoping period begins when the Legal Notice is published in *The Salt Lake Tribune*.

Comments received in response to this solicitation, including names and addresses of those who comment, will

be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: January 21, 2014.

**David C. Whittekiend,**

*Forest Supervisor.*

[FR Doc. 2014–01692 Filed 1–28–14; 8:45 am]

BILLING CODE 3410–11–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Mineral County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Mineral County Resource Advisory Committee (RAC) will meet in Superior, MT. The purpose of the meetings is to review and vote on submitted proposals, and receive public comment on the meeting subjects and proceedings.

**DATES:** The meetings will be held March 20, 2014, April 3, 2014, and April 10, 2014, 6:00 p.m. to 8:00 p.m.

**ADDRESSES:** Superior Ranger District, 209 W. Riverside Ave., Superior, MT 59872.

**FOR FURTHER INFORMATION CONTACT:** Tawnya Brummett, District Ranger at 406–822–3928 or email: *tbrummett@fs.fed.us*.

**SUPPLEMENTARY INFORMATION:** The following business will be conducted: (1) Review presentation and written proposals (2) Brief discussion of proposals (3) prioritize projects by vote and choose which projects to fund as funding allows.

Dated: January 22, 2014.

**Tawnya Brummett,**

*District Ranger.*

[FR Doc. 2014–01690 Filed 1–28–14; 8:45 am]

BILLING CODE 3410–11–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Amendment 80 Economic Data Report (EDR) for the Catcher/Processor Non-AFA Trawl Sector.

*OMB Control Number:* 0648–0564.

*Form Number(s):* NA.

*Type of Request:* Regular submission (extension of a current information collection).

*Number of Respondents:* 25.

*Average Hours per Response:* 20.

*Burden Hours:* 500.

*Needs and Uses:* This request is for extension of a current information collection.

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area primarily allocates several Bering Sea and Aleutian Islands Management Area non-pollock trawl groundfish fisheries among fishing sectors, and facilitates the formation of harvesting cooperatives in the catcher/processor sector of the Non-American Fisheries Act (AFA) Trawl Catcher/Processor Cooperative Program (Program). The Program established a limited access privilege program for the Non-AFA trawl catcher/processor sector.

The Amendment 80 economic data report (EDR) collects cost, revenue, ownership, and employment data on an annual basis and provides information unavailable through other means to review the Program. The purpose of the EDR is to understand the economic effects of the Amendment 80 program on vessels or entities regulated by the Program, and to inform future management actions. Data collected through the EDR is mandatory for all Amendment 80 quota share (QS) holders.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* Annually.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer: OIRA_Submission@omb.eop.gov.*

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: January 23, 2014.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2014–01664 Filed 1–28–14; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* International Trade Administration.

*Title:* Request for Duty-Free Entry of Scientific Instruments or Apparatus.

*OMB Control Number:* 0625–0037.

*Form Number(s):* ITA–338P.

*Type of Request:* Regular submission (extension of a current information collection).

*Burden Hours:* 130.

*Number of Respondents:* 65

*Average Hours per Response:* 2.

*Needs and Uses:* The Departments of Commerce and Homeland Security (''DHS'') are required to determine whether non-profit institutions established for scientific or educational purposes are entitled to duty-free entry for scientific instruments that the institutions import under the Florence Agreement. Form ITA–338P enables: (1) DHS to determine whether the statutory eligibility requirements for the institution and the instrument are fulfilled, and

(2) Commerce to make a comparison and finding as to the scientific equivalency of comparable instruments being manufactured in the United States. Without the collection of the information, DHS and Commerce would be unable to carry out the responsibilities assigned by law.

*Affected Public:* Federal, state or local government; not-for-profit institutions.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to obtain or retain a benefit.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to Wendy Liberante, OMB Desk Officer, Fax number (202) 395–5167 or via the Internet at *Wendy_L._Liberante@omb.eop.gov.*

Dated: January 23, 2014.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2014–01626 Filed 1–28–14; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* Bureau of Industry and Security (BIS).

*Title:* Voluntary Self-Disclosure of Antiboycott Violations.

*OMB Control Number:* 0694–0132.

*Form Number(s):* N/A.

*Type of Request:* Regular submission (extension of a current information collection).

*Number of Respondents:* 9.

*Average Hours per Response:* 10 to 600.

*Burden Hours:* 4,220.

*Needs and Uses:* This collection of information supports enforcement of the Antiboycott provisions of the Export Administration Regulations (EAR) by providing a method for industry to voluntarily self-disclose Antiboycott violations.

*Affected Public:* Businesses or other for-profit organizations.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov.*

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jasmeet Seehra, OMB Desk Officer, by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–5167.

Dated: January 23, 2014.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2014–01627 Filed 1–28–14; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Applications and Reporting Requirements for the Incidental Take of Marine Mammals by Specified Activities (other than Commercial Fishing Operations) under the Marine Mammal Protection Act.

*OMB Control Number:* 0648–0151.

*Form Number(s):* NA.

*Type of Request:* Regular submission (extension of a current information collection).

*Number of Respondents:* 95.

*Average Hours per Response:* Incidental Harassment Authorization (IHI) application, 255; interim draft IHA report, 11; draft IHA report, 114; final IHA report, 15; Letter of Authorization (LOA) LOA Initial Application and Preparation for Regulations, 1,200; LOA annual application, 70; LOA draft annual report, 220, LOA final annual report, 65; LOA draft comprehensive report, 625; LOA final comprehensive report, 300 hours.

*Burden Hours:* 13,486.

*Needs and Uses:* This request is for an extension of a currently approved information collection.

The Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1361 *et. seq.*) prohibits the ''take'' of marine mammals unless otherwise authorized or exempted by law. Among the provisions that allow for lawful take of marine mammals, sections 101(a)(5)(A) and (D) of the MMPA direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing), within a specified geographical region if, after notice of a proposed authorization to the public for review and public comment: (1) We make certain findings; and (2) the taking is limited to harassment.

We (National Marine Fisheries Service) shall grant authorization for the incidental taking of small numbers of marine mammals if we find that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The authorization must set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat; and requirements pertaining to the mitigation, monitoring and reporting of such taking. We have defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Issuance of an incidental take authorization (Authorization) under section 101(a)(5)(A) or 101(a)(5)(D) of the MMPA requires three sets of information collection: (1) A complete application for an Authorization, as set forth in our implementing regulations at 50 CFR 216.104, which provides the information necessary for us to make the necessary statutory determinations; (2) information relating to required monitoring; and (3) information related to required reporting. These collections of information enable us to: (1) Evaluate the proposed activity's impact on marine mammals; (2) arrive at the appropriate determinations required by the MMPA and other applicable laws prior to issuing the authorization; and (3) monitor impacts of activities for which we have issued Authorizations to determine if our predictions regarding impacts on marine mammals remain valid.

*Affected Public:* Federal government; state, local or tribal government; individuals or households; business or other for-profit organizations; not-for-profit institutions.

*Frequency:* Annually and interim (90-day).

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer: OIRA_Submission@omb.eop.gov.*

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: January 23, 2014.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2014–01624 Filed 1–28–14; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–83–2013]**

### Foreign-Trade Zone 138—Columbus, Ohio, Authorization of Production Activity, Rolls Royce Energy Systems, Inc. (Industrial Gas Turbines, Power Generation Turbines, and Generator Sets), Mount Vernon, Ohio

On September 5, 2013, the Columbus Regional Airport Authority, grantee of FTZ 138, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Rolls Royce Energy Systems, Inc., in Mount Vernon, Ohio.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 58995, 9–25–2013). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: January 21, 2014.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2014–01579 Filed 1–28–14; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–4–2014]**

### Foreign-Trade Zone (FTZ) 221—Mesa, Arizona; Notification of Proposed Production Activity; Apple Inc./GT Advanced Technologies Inc. (Components for Consumer Electronics), Mesa, Arizona

Apple Inc./GT Advanced Technologies Inc. (Apple/GT) submitted a notification of proposed production activity to the FTZ Board for its facility in Mesa, Arizona. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 23, 2014.

A separate application for subzone designation at the Apple/GT facility is being processed under Section 400.31 of the Board's regulations (Doc. S–5–2014). Apple/GT requested authority to manufacture intermediate components for consumer electronics for export. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Apple/GT from customs duty payments on the foreign status components listed below used in the export production of sapphire material (duty rate 6.4%). Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include white alumina block, forged metal industrial heat-treating equipment and diamond cutting wire (duty rate ranges from duty-free to 1.3%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 10, 2014.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: January 23, 2014.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2014–01727 Filed 1–28–14; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–010, A–583–853]**

### Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China and Taiwan: Initiation of Antidumping Duty Investigations

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* January 29, 2014.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Pedersen at (202) 482–2769 (the People's Republic of China (PRC)); or Karine Gziryan at (202) 482–4081 (Taiwan), AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

#### The Petitions

On December 31, 2013, the Department of Commerce (the Department) received antidumping duty (AD) petitions concerning imports of certain crystalline silicon photovoltaic products (certain solar cells and panels) from the People's Republic of China (PRC) and Taiwan.[1] The Petitions were filed in proper form on behalf of SolarWorld Industries America, Inc. (Petitioner). Petitioner is a domestic producer of solar cells and panels. The Petitions were accompanied by a countervailing duty (CVD) petition on imports of certain solar cells and panels from the PRC. On January 3, 6, 9 and 10, 2014, the Department requested additional information and clarification of certain areas of the Petitions. Petitioner filed responses to these requests on January 8, 9, 13, 15, and 17, 2014.

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioner alleges that imports of certain solar cells and panels from the PRC and Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring, and threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioner supporting its allegations.

The Department finds that Petitioner filed these Petitions on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that Petitioner has demonstrated sufficient industry support with respect to the initiation of

[1] *See* Petitions for the Imposition of Antidumping Duties on Imports of Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China and Taiwan,'' dated December 31, 2013 (the Petitions).

the AD investigations that Petitioner is requesting.[2]

**Periods of Investigations**

Pursuant to 19 CFR 351.204(b)(1), because the Petitions were filed on December 31, 2013, the period of investigation (POI) for the PRC investigation is April 1, 2013, through September 30, 2013. The POI for the Taiwan investigation is October 1, 2012, through September 30, 2013.

**Scope of the Investigations**

The products covered by these investigations are certain solar cells and panels from the PRC and Taiwan. For a full description of the scope of the investigations, see the ''Scope of the Investigations'' in Appendix I of this notice.

**Comments on the Scope of Investigations**

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioner pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief. Also, on January 15, 2014, Suniva, Inc. (''Suniva''), a U.S. producer of certain solar cells and panels, submitted comments on the scope.[3] As discussed in the preamble to the regulations,[4] we are setting aside a period for interested parties to raise issues regarding product coverage. Parties should note that when considering product coverage with respect to these investigations, the Department will be informed by the product coverage decisions that it made in the investigations that resulted in the existing orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC.[5] The Department encourages all interested parties to submit such comments by 5:00 p.m. Eastern Time on February 11, 2014. All comments must be filed on the records of the PRC and Taiwan AD investigations, as well as the concurrent PRC CVD investigation.

**Filing Requirements**

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS).[6] An electronically filed document must be received successfully in its entirety by 5:00 p.m. on the date of the applicable deadline. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit of Enforcement and Compliance, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadline.

**Comments on Product Characteristics for Antidumping Duty Questionnaires**

The Department requests comments from interested parties regarding the appropriate physical characteristics of certain solar cells and panels to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production (COPs) accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, while there may be some physical product characteristics utilized by manufacturers to describe certain solar cells and panels, it may be that only a select few product characteristics take into account commercially-meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, we must receive comments on product characteristics by February 5, 2014. Rebuttal comments must be received by February 12, 2014. All comments and submissions to the Department must be filed electronically using IA ACCESS, as referenced above.

**Determination of Industry Support for the Petitions**

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the industry.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[7] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's

[2] *See* the ''Determination of Industry Support for the Petitions'' section below.

[3] *See* Letter from Suniva, dated January 15, 2014.

[4] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] In the investigations covering crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC, the Department determined that modules, laminates, and panels produced in a third-country from cells produced in the PRC are covered by the scope of the investigations; however, modules, laminates, and panels produced in the PRC from cells produced in a third-country are not covered by the scope of the investigations.

[6] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using IA ACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[7] *See* section 771(10) of the Act

determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[8]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner offers a definition of the domestic like product that includes certain crystalline silicon photovoltaic cells and modules and notes that the like product definition in this proceeding is identical to the definition of the like product in the Department's and the ITC's investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules, from China.[9] According to Petitioner, ''{t}he definition of the domestic like product in the Petition differs only slightly from the proposed scope of the investigations . . .'' and ''slight differences in the definition of the domestic like product and the scope of an investigation are permissible under the statute . . .''[10] Based on our analysis of the information submitted on the record, we have determined that certain crystalline silicon photovoltaic cells and modules constitute a single domestic like product and we have analyzed industry support in terms of that domestic like product.[11]

In determining whether Petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the Petitions. To establish industry support, Petitioner provided its own production of the domestic like product in 2012, and compared this to the estimated total production of the domestic like product for the entire domestic industry.[12] Petitioner obtained total 2012 production of the domestic like product using data published by Solar Energy Industries Association/Greentech Media Research in *U.S. Solar Market Insight 2012 Year in Review* and other publicly available data.[13] We have relied upon data Petitioner provided for purposes of measuring industry support.[14]

On January 10, 2014, in consultations the Department held with respect to the companion CVD case on imports of certain solar cells and modules from the PRC, the Government of China raised the issue of industry support.[15] On January 15, 2014, we received comments on industry support from Yingli Green Energy Holding Company Limited, Yingli Green Energy Americas, Inc., and Canadian Solar Inc (collectively, PRC Producers/Exporters).[16] Petitioner responded to the PRC Producers/Exporters' comments on January 15, 2014.[17] PRC Producers/Exporters filed a rebuttal to Petitioner on January 17, 2014.[18] For further discussion of these comments, see the PRC AD Initiation Checklist and the Taiwan AD Initiation Checklist, at Attachment II.

Based on information provided in the Petitions, supplemental submissions, and other information readily available to the Department, we determine that Petitioner has met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[19] Based on information provided in the Petitions, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions. Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[20]

The Department finds that Petitioner filed the Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and that it has demonstrated sufficient industry support with respect to the AD investigations that it is requesting the Department initiate.[21]

## Allegations and Evidence of Material Injury and Causation

Petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[22]

Petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price depression or suppression; lost sales and revenues; shuttered production and hindered capacity utilization; reduced employment; and decline in industry financial performance.[23] We have assessed the

[8] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[9] *See* Volume I of the Petitions, at 24; *see also* General Issues Supplement to the Petitions, dated January 9, 2014 (General Issues Supplement), at Exhibit I–Supp–1; *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Initiation of Antidumping Duty Investigation,* 76 FR 70960, 70961 (November 16, 2011); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Initiation of Countervailing Duty Investigation,* 76 FR 70966, 70967–8 (November 16, 2011); and *Crystalline Silicon Photovoltaic Cells and Modules From the People's Republic of China,* Inv. Nos. 701–TA–481 and 731–TA–1190 (Final) USITC Pub. 4360 (December 2012), at 6–12.

[10] *See* General Issues Supplement, at 4.

[11] *See* Antidumping Duty Investigation Initiation Checklist: Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China (PRC AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China and Taiwan (Attachment II); and Antidumping Duty Investigation Initiation Checklist: Certain Crystalline Silicon Photovoltaic Products from Taiwan (Taiwan AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with, and hereby adopted by, this notice and are on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.

[12] *See* Volume I of the Petitions, at 8–10 and Exhibits I–3, I–5, and I–6; *see also* General Issues Supplement, at 5–8 and Exhibits I–Supp–1, I–Supp–2, I–Supp–3 and I–Supp–6.

[13] *See* Volume I of the Petitions, at Exhibits I–5 and I–6.

[14] *See* PRC AD Initiation Checklist and Taiwan AD Initiation Checklist, at Attachment II.

[15] *See* Memorandum to the File from Vicki Flynn, dated January 14, 2014, titled ''Placing Consultations Memorandum on the AD Records.''

[16] *See* Letter from Yingli Green Energy Holding Company Limited, Yingli Green Energy Americas, Inc., and Canadian Solar Inc., dated January 14, 2014.

[17] *See* Letter from Petitioner, dated January 15, 2014.

[18] *See* Letter from Yingli Green Energy Holding Company Limited, Yingli Green Energy Americas, Inc., and Canadian Solar Inc., dated January 17, 2014.

[19] *See* PRC AD Initiation Checklist and Taiwan AD Initiation Checklist, at Attachment II.

[20] *Id.*

[21] *Id.*

[22] *See* General Issues Supplement, at 8 and Exhibit I–Supp–4.

[23] *See* Volume I of the Petitions, at 5–7, 20–22, 33–67 and Exhibits I–1, I–4, I–13 through I–14, I–

Continued

allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[24]

**Allegations of Sales at Less Than Fair Value**

The following is a description of the allegations of sales at less than fair value upon which the Department based its decision to initiate AD investigations of imports of certain solar cells and panels from the PRC and Taiwan. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

**Constructed Export Price—PRC**

Petitioner calculated constructed export price (CEP) based on an offer for sales of solar panels assembled in, and exported from, the subject country by a manufacturer of subject merchandise. Petitioner classified these offers as CEP transactions because it believed that this manufacturer's products were sold by their U.S. affiliates. Petitioner made deductions from the U.S. price for movement expenses, consistent with the delivery terms. Petitioner also deducted from the U.S. price U.S. selling expenses and CEP profit, both of which it estimated using the financial statements of First Solar, Inc., a U.S. producer of solar modules utilizing thin-film technologies.[25]

**Constructed Export Price—Taiwan**

Petitioner calculated CEP based on offers for sales of solar panels which were exported from the subject country in the form of laminates and further manufactured in the United States by the U.S. affiliate of the Taiwanese producer of the laminates. Petitioner classified these offers as CEP transactions because it believed that these products were sold by the U.S. affiliate of the Taiwanese producer. Petitioner calculated the further manufacturing costs in the United States using its own production experience and subtracted the further manufacturing cost related to the production of finished modules in the United States from the quoted U.S. price. Petitioner made deductions from the U.S. price for movement expenses, consistent with the delivery terms. Petitioner also deducted from the U.S. price U.S. indirect selling expenses and CEP profit, both of which it estimated using the financial statements of First Solar, Inc., a U.S. producer of solar modules utilizing thin-film technologies.[26]

**NV—PRC**

Petitioner calculated NV for the panels assembled in the PRC using a methodology that was based on the conclusion that the solar cells that were used in the panels were produced in Taiwan from wafers manufactured in the PRC.[27] Petitioner states that the Department has long treated the PRC as a non-market economy (NME) country.[28] Accordingly, Petitioner calculated the portion of NV that was based on production performed in the PRC using the Department's NME methodology, as required by 19 CFR 351.202(b)(7)(i)(C) and 19 CFR 351.408. Specifically, Petitioner calculated the portion of NV relating to production performed in the PRC using factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act. Petitioner contends that Thailand is the appropriate surrogate country for the PRC because: (1) It is at a level of economic development comparable to that of the PRC; (2) it is a significant producer of identical merchandise; and (3) that the availability and quality of data are good.[29]

In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by the Department. The presumption of NME status for the PRC has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation. Hence, an NME methodology is appropriate for valuing production performed in the PRC. Moreover, based on the information provided by Petitioner, we believe that it is appropriate to use Thailand as a surrogate country for initiation purposes. After initiation of the investigation, interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value factors of production no later than 30 days before the date of the preliminary determination. In addition, in the course of the investigation covering merchandise from the PRC, all parties, including the public, will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters.

Petitioner calculated a portion of the NV for the PRC Petition based on the cost of producing solar cells in Taiwan using PRC wafers. Petitioner determined the cost of the solar cells produced in Taiwan by valuing FOPs for the Taiwanese production using import prices in Taiwan.[30]

*Factors of Production*

Petitioner based the FOPs for materials, labor, and energy on the consumption rates of a surrogate producer of panels. Petitioner asserts that these consumption rates are reasonably available information, which, to the best of its knowledge, are an appropriate surrogate for consumption of producers of the merchandise under consideration in the PRC because this surrogate producer is comparable to the PRC producers of the merchandise under consideration.[31]

*Valuation of Raw Materials and Packing Materials*

Petitioner valued the FOPs for various raw material inputs used to produce subject merchandise in the PRC based on Thai import data for the POI from Global Trade Atlas (GTA) under corresponding Harmonized Tariff Schedule (HTS) numbers.[32] Petitioner added to the raw material surrogate values the inland freight charges reported for importing goods into Thailand, as published by the World Bank in *Doing Business 2014: Thailand*.[33] Petitioner excluded from its surrogate values all import values from countries previously determined by the Department to maintain broadly available, non-industry-specific export subsidies and from countries previously determined by the Department to be

16 through I–20, and I–22 through I–30; General Issues Supplement, at 8–9 and Exhibits I–Supp–1, I–Supp–4 and I–Supp–5; and Second General Issues Supplement, dated January 13, 2014 (Second General Issues Supplement), at 5–11 and Exhibits I–Supp–7 through I–Supp–15.

[24] *See* PRC AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Petitions Covering Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China and Taiwan (Attachment III); *see also* Taiwan AD Initiation Checklist, at Attachment III.

[25] For details regarding all adjustments to CEP, see the PRC AD Initiation Checklist at 6–8.

[26] For details regarding all adjustments to CEP, see the Taiwan AD Initiation Checklist at 6–8.

[27] *See* PRC AD Initiation Checklist, at 6.

[28] *See* Volume II of the Petitions, at 14.

[29] *Id.,* at 15–17, 23.

[30] *See* PRC AD Initiation Checklist, at 9.

[31] *See* Volume II of the Petitions, at 15, 22–23.

[32] *See* PRC AD Initiation Checklist, at 8; *see also* Volume II of the Petitions, at 26 and Exhibit II–21; First PRC AD Supplement, at 2–3.

[33] *See* Volume II of the Petitions, at Exhibits II–9; *see also* First PRC AD Supplement, at 7–8.

NME countries.[34] In addition, in accordance with the Department's practice, the average import value used as a surrogate excludes imports that were labeled as originating from an unidentified country. We revised the surrogate that Petitioner used to value aluminum frames and frame corners because Petitioner used a HTS number that had been rejected by the Department in a previous AD proceeding involving solar cells and panels from the PRC.[35]

For production performed in Taiwan for the module assembled in the PRC, Petitioner valued various raw material inputs based on Taiwan import data for the POI from GTA under the applicable HTS numbers.[36]

*Valuation of Energy*

For production performed in the PRC, Petitioner valued electricity using a 2012 electricity rate in Thai baht per kilowatt hour, as reported by the Thai Board of Investment.[37] In accordance with the Department's policy not to adjust energy tariffs for inflation if those tariffs are likely still in force, Petitioner did not adjust this value for inflation.[38]

For production performed in Taiwan, Petitioner utilized Taiwanese electricity rates for industrial users as collected and disseminated by the U.S. Department of Energy.[39]

*Valuation of Labor*

For production performed in the PRC, Petitioner valued labor using information published in a 2013 industrial survey by the Thailand National Statistics Office.[40]

For production performed in Taiwan, Petitioner valued labor using 2012 data for Taiwan collected by the U.S. Bureau of Labor Statistics.[41] Petitioner adjusted this rate for inflation by utilizing the consumer price index, as reported by the U.S. Bureau of Labor Statistics.[42]

*Valuation of Factory Overhead, Selling, General and Administrative Expenses, and Profit*

Petitioner calculated factory overhead, selling, general and administrative expenses, and profit using data from the 2012–2013 financial statements of Hana Microelectronics Group, a Thai producer of electronics merchandise which Petitioner identified as comparable to the merchandise under consideration.[43]

**NV—Taiwan**

Petitioner based NV on price information from a Taiwanese producer of panels for panels sold in the subject country. Petitioner was not able to obtain a price quote for a laminate offered for sale in the home market during the POI, but did obtain a finished module price. The only alleged difference between the finished module and laminate is the final stage of the production of the module. Therefore, Petitioner believes that an adjustment to the home market price for the difference in merchandise is appropriate. Petitioner adjusted the home market price by subtracting from the offered price the further manufacturing cost related to the production of finished modules in the United States, based on Petitioner's own experience. Petitioner made adjustments to NV for movement expenses consistent with the sales terms. Petitioner made no other adjustments to NV.[44]

**Fair Value Comparisons**

Based on the data provided by Petitioner, there is reason to believe that imports of certain solar cells and panels from the PRC and Taiwan are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of CEP to NV, in accordance with section 773(a)(1) of the Act, the estimated dumping margin for certain solar cells and panels from Taiwan is 75.68 percent.[45] Based on a comparison of CEP to NV, in accordance with section 773(c) of the Act, the estimated dumping margin for certain solar cells and panels from the PRC is 165.04 percent.[46]

**Initiation of Antidumping Duty Investigations**

Section 732(b)(1) of the Act requires the Department to initiate an AD proceeding whenever an interested party files an AD petition on behalf of an industry that: (1) Alleges the elements necessary for the imposition of a duty under section 731 of the Act; and (2) is accompanied by information reasonably available to the petitioners supporting the allegations.

Based upon the examination of the Petitions on certain solar cells and panels from the PRC and Taiwan, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of certain solar cells and panels from the PRC and Taiwan are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

**Respondent Selection**

The Petition for Taiwan names 21 companies as producers/exporters of certain solar cells and panels. Following the Department's standard practice in AD investigations involving market-economy countries, for the Taiwanese AD investigation we will select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of certain solar cells and panels. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five-business

[34] *See* Volume II of the Petitions, at Exhibits II–19, II–20 and II–21.

[35] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, and Affirmative Final Determination of Critical Circumstances, in Part,* 77 FR 63791 (October 17, 2012) and the accompanying Issues and Decision Memorandum at Comment 16, as amended by *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012); *see also* PRC AD Initiation Checklist, at Attachment V.

[36] *See* PRC AD Initiation Checklist, at 8; *see also* Volume II of the Petitions, at 26 and Exhibit II–21; First PRC AD Supplement, at 2–3.

[37] *See* Volume II of the Petitions, at 26 and Exhibit II–22.

[38] *Id.; see also Certain Kitchen Appliance Shelving and Racks from the People's Republic of China: Antidumping Duty Administrative Review, 2010–2011,* 77 FR 61385 (October 9, 2012), and accompanying Preliminary Decision Memorandum at 16, unchanged in *Certain Kitchen Appliance Shelving and Racks From the People's Republic of China; 2010–2011; Final Results of Antidumping Duty Administrative Review,* 78 FR 5414 (January 25, 2013); *Certain Activated Carbon From the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review,* 75 FR 70208 (November 17, 2010), and accompanying Issues and Decision Memorandum at Comment 4; and *Certain Oil Country Tubular Goods From the People's Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination,* 74 FR 59117 (November 17, 2009), unchanged in *Certain Oil Country Tubular Goods from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, Affirmative Final Determination of Critical Circumstances and Final Determination of Targeted Dumping,* 75 FR 20335 (April 19, 2010).

[39] *See* Volume II of the Petitions, at 26 and Exhibit II–22.

[40] *Id.,* at Exhibit II–23.

[41] *See* Volume II of the Petitions, at 27 and Exhibit II–24.

[42] *Id.*

[43] *See* PRC AD Initiation Checklist; *see* Volume II of the Petitions, at 28–29 and Exhibits II–19 and II–24; First PRC AD Supplement at 3–4, and Exhibit II–Supp–2.

[44] *See* Taiwan AD Initiation Checklist, at 8–9.

[45] *See* Taiwan Initiation Checklist.

[46] *See* PRC AD Initiation Checklist.

days of publication of this **Federal Register** notice. The Department invites comments regarding respondent selection within seven days of publication of this **Federal Register** notice.

The Petition for the PRC names 78 companies as producers/exporters of certain solar cells and panels. In accordance with the Department's standard practice in AD investigations involving NME countries, for respondent selection in the PRC AD investigation we intend to issue quantity and value (Q&V) questionnaires to each potential respondent named in the Petition and base respondent selection on the responses to our Q&V questionnaire. In addition, the Department will post the Q&V questionnaire along with the filing instructions on Enforcement and Compliance's Web site at *http://trade.gov/enforcement/news.asp.* Exporters and producers of certain solar cells and panels from the PRC that do not receive a Q&V questionnaire from the Department may still submit a response to the Q&V questionnaire using a copy of the questionnaire obtained from Enforcement and Compliance's Web site. The Q&V questionnaire must be submitted by all PRC producers/exporters no later than February 13, 2014. All Q&V questionnaires must be filed electronically using IA ACCESS.

**Separate Rates**

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate rate application.[47] The specific requirements for submitting the separate rate application in the PRC investigation are outlined in detail in the application itself, which will be available on Enforcement and Compliance's Web site at *http://trade.gov/enforcement/news.asp* on the date of publication of this initiation notice in the **Federal Register.** The separate rate application will be due 60 days after publication of this initiation notice. All separate rate applications must be filed electronically using IA ACCESS. For exporters and producers who submit a separate rate application and have been selected as mandatory respondents, these exporters and producers will no longer be eligible for consideration for separate rate status unless they respond to all parts of the AD questionnaire as mandatory respondents. The Department requires that PRC producers/exporters submit a response to both the Q&V questionnaire and the separate rate application by their respective deadlines in order to receive consideration for separate rate status.

**Use of Combination Rates**

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[48]

**Distribution of Copies of the Petitions**

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of the PRC and Taiwan via IA ACCESS. Because of the particularly large number of producers/exporters identified in the Petitions, the Department considers the service of the public version of the Petitions to the foreign producers/exporters to be satisfied by the provision of the public version of the Petition to the governments of the PRC and Taiwan, consistent with 19 CFR 351.203(c)(2).

**ITC Notification**

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

**Preliminary Determinations by the ITC**

The ITC will preliminarily determine no later than February 14, 2014, whether there is a reasonable indication that imports of certain solar cells and panels from the PRC and Taiwan are materially injuring, or threatening material injury to, a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

**Submission of Factual Information**

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: the definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to these investigations. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-04-10/pdf/2013-08227.pdf#page=1,* prior to submitting factual information in these investigations.

**Certification Requirements**

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[49] Parties are hereby reminded that revised certification requirements are in effect

[47] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries (April 5, 2005) (Separate Rates and Combination Rates Bulletin), available on the Department's Web site at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

[48] *See* Separate Rates and Combination Rates Bulletin, at 6 (emphasis added).

[49] *See* section 782(b) of the Act.

for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.[50] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

**Revised Extension of Time Limits Regulation**

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings. The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under section 19 CFR 351.408(c), or to measure the adequacy of remuneration under section 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

**Notification to Interested Parties**

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.203(c).

Dated: January 22, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix I

**Scope of the Investigations**

The merchandise covered by these investigations is crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials. For purposes of these investigations, subject merchandise also includes modules, laminates and/or panels assembled in the subject country consisting of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than that subject country, using ingots that are manufactured in the subject country, wafers that are manufactured in the subject country, or cells where the manufacturing process begins in the subject country and is completed in a non-subject country.

Subject merchandise includes crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Excluded from the scope of these investigations are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS). Also excluded from the scope of these investigations are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012).

Also excluded from the scope of these investigations are crystalline silicon photovoltaic cells, not exceeding 10,000mm$^2$ in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Merchandise covered by these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of these investigations is dispositive.

[FR Doc. 2014–01738 Filed 1–28–14; 8:45 am]

BILLING CODE 3510–DS–P

[50] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C–570–011]**

### Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Initiation of Countervailing Duty Investigation

**AGENCY:** Enforcement & Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* January 29, 2014.

**FOR FURTHER INFORMATION CONTACT:** Justin Neuman or Milton Koch, Office VII, AD/CVD Operations, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone; (202) 482–0486 or (202) 482–2584, respectively.

**SUPPLEMENTARY INFORMATION:**

## The Petition

On December 31, 2013, the Department of Commerce (the Department) received a countervailing duty (CVD) petition concerning imports of certain crystalline silicon photovoltaic products (certain solar cells and panels) from the People's Republic of China (PRC), filed in proper form by SolarWorld Industries America, Inc. (Petitioner), a domestic producer of certain solar cells and panels. The CVD petition was accompanied by an antidumping duty (AD) petition concerning imports of certain solar cells and panels.[1] Between January 3 and January 9, 2014, the Department requested additional information and clarification of certain areas of the Petition, and between January 7 and January 13, 2014, Petitioner filed a timely response to each request.[2]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioner alleges that producers/exporters of certain solar cells and panels in the PRC received countervailable subsidies under thirty-three programs within the meaning of sections 701 and 771(5) of the Act, and that imports from these producers/exporters materially injure, or threaten material injury to, an industry in the United States.

The Department finds that Petitioner filed this Petition on behalf of the domestic industry because it is an interested party defined in section 771(9)(C) of the Act, and that Petitioner has demonstrated sufficient industry support with respect to the CVD investigation that it is requesting the Department to initiate (*see* ''Determination of Industry Support for the Petition'' below).

## Period of Investigation

The period of investigation (POI) is January 1, 2012, through December 31, 2012, in accordance with 19 CFR 351.204(b)(2).

## Scope of the Investigation

The products covered by this investigation are certain solar cells and panels the PRC.[3]

## Comments on the Scope of the Investigation

During our review of the Petition, we solicited information from Petitioner to ensure that the proposed scope language is an accurate reflection of the products for which the domestic industry is seeking relief. Also, on January 15, 2014, Suniva, Inc. (Suniva), a U.S. producer of certain solar cells and panels, submitted comments on the scope.[4] Moreover, as discussed in the preamble to the Department's regulations,[5] we are setting aside a period for interested parties to raise issues regarding product coverage. Parties should note that when considering product coverage with respect to this investigation, the Department will be informed by the product coverage decisions that it made in the investigations that resulted in the existing orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC.[6] The Department encourages all interested parties to submit such comments by February 11, 2014, which is 20 calendar days from the signature date of this notice. All comments must be filed on the record of the CVD investigation, as well as the concurrent AD investigations.

## Filing Requirements

All submissions to the Department must be filed electronically using Enforcement & Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the Enforcement & Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the deadline established by the Department.[7]

## Consultations

Pursuant to section 702(b)(4)(A)(ii) of the Act, on January 2, 2014, the Department invited representatives from the Government of China (GOC) for consultations with respect to the CVD Petition. Consultations were held with the GOC on January 10, 2014.[8]

## Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the industry.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply

[1] *See* ''Petition for the Imposition of Antidumping and Countervailing Duties Pursuant to Sections 701 and 731 of the Tariff Act of 1930, As Amended,'' (December 31, 2013) (Petition).

[2] *See* Petitioner's filings, ''Supplement to the China CVD Petition,'' (January 7, 2014) (China CVD Supplement); ''General Issues Supplement to the Petition,'' (January 9, 2014) (General Issues Supplement); and ''Second General Issues Supplement to the Petition,'' (January 13, 2014) (Second General Issues Supplement).

[3] *See* Appendix I of this notice for a full description of the scope of this investigation.

[4] *See* Letter from Suniva, ''Request for Comment Period on Scope for Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China,'' (January 15, 2014).

[5] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[6] The AD and CVD Orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC, cover modules, laminates, and panels produced in a third-country from cells produced in the PRC; however, modules, laminates, and panels produced in the PRC from cells produced in a third-country are not covered by the scope of the Orders.

[7] *See* 19 CFR 351.303(b)(1). Information on help using IAACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filing%20Procedures.pdf.*

[8] *See* Ex-Parte Memorandum to the File from Justin Neuman, International Trade Analyst, AD/CVD Operations, Office VII, Enforcement & Compliance, ''Consultations with Officials from the Government of the People's Republic of China Regarding the Countervailing Duty Petition Concerning Certain Crystalline Silicon Photovoltaic Products,'' (January 13, 2014) (Consultations Memorandum).

the same statutory definition regarding the domestic like product,[9] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[10]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner offers a definition of the domestic like product that includes certain crystalline silicon photovoltaic cells and modules and notes that the like product definition in this proceeding is identical to the definition of the like product in the Department's and the ITC's investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules, from China.[11] According to Petitioner, ''{t}he definition of the domestic like product in the Petition differs only slightly from the proposed scope of the investigations . . .'' and ''slight differences in the definition of the domestic like product and the scope of an investigation are permissible under the statute. . . .''[12] Based on our analysis of the information submitted on the record, we have determined that certain crystalline silicon photovoltaic cells and modules constitute a single domestic like product and we have analyzed industry support in terms of that domestic like product.[13]

In determining whether Petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the Petition. To establish industry support, Petitioner provided its own production of the domestic like product in 2012, and compared this to the estimated total production of the domestic like product for the entire domestic industry.[14] Petitioner obtained total 2012 production of the domestic like product using data published by Solar Energy Industries Association/Greentech Media Research in *U.S. Solar Market Insight 2012 Year in Review* and other publicly available data.[15] We have relied upon data Petitioner provided for purposes of measuring industry support.[16]

On January 10, 2014, in its consultations with the Department, the GOC raised the issue of industry support.[17] On January 15, 2014, we received comments on industry support from Yingli Green Energy Holding Company Limited, Yingli Green Energy Americas, Inc., and Canadian Solar Inc. (collectively, PRC Producers/Exporters).[18] Petitioner responded to the PRC Producers/Exporters' comments on January 15, 2014.[19] PRC Producers/Exporters filed a rebuttal to Petitioner on January 17, 2014.[20] For further discussion of these comments, *see* the PRC CVD Initiation Checklist, at Attachment II.

Based on information provided in the Petition, supplemental submissions, and other information readily available to the Department, we determine that Petitioner has met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[21] Based on information provided in the Petition, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition. Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[22]

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the countervailing duty investigation that it is requesting the Department initiate.[23]

## Injury Test

Because the PRC is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from the PRC materially injure, or threaten material injury to, a U.S. industry.

## Allegations and Evidence of Material Injury and Causation

Petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[24]

Petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price depression or suppression; lost sales and revenues; shuttered production and hindered capacity utilization; reduced employment; and decline in industry financial

[9] *See* section 771(10) of the Act.

[10] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[11] *See* Volume I of the Petition, at 24; *see, also* General Issues Supplement, at Exhibit I–Supp–1; *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Initiation of Antidumping Duty Investigation,* 76 FR 70960, 70961 (November 16, 2011); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Initiation of Countervailing Duty Investigation,* 76 FR 70966, 70967–8 (November 16, 2011); and *Crystalline Silicon Photovoltaic Cells and Modules from the People's Republic of China,* Inv. Nos. 701–TA–481 and 731–TA–1190 (Final) USITC Pub. 4360 (December 2012), at 6–12.

[12] *See* General Issues Supplement, at 4.

[13] *See* Countervailing Duty Investigation Initiation Checklist: Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China (PRC CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China and Taiwan (Attachment II). This checklist is dated concurrently with this notice and on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.

[14] *See* Volume I of the Petition, at 8–10 and Exhibits I–3, I–5, and I–6; *see also* General Issues Supplement, at 5–8 and Exhibits I–Supp–1, I–Supp–2, I–Supp–3 and I–Supp–6.

[15] *See* Volume I of the Petition, at Exhibits I–5 and I–6.

[16] *See* PRC CVD Initiation Checklist, at Attachment II.

[17] *See* Consultations Memorandum.

[18] *See* Letter from Yingli Green Energy Holding Company Limited, Yingli Green Energy Americas, Inc., and Canadian Solar Inc., (January 15, 2014).

[19] *See* Letter from Petitioner, (January 15, 2014).

[20] *See* Letter from Yingli Green Energy Holding Company Limited, Yingli Green Energy Americas, Inc., and Canadian Solar Inc., (January 17, 2014).

[21] *See* CVD Initiation Checklist, at Attachment II.

[22] *Id.*

[23] *Id.*

[24] *See* General Issues Supplement, at 8 and Exhibit I–Supp–4.

performance.[25] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[26]

**Initiation of Countervailing Duty Investigation**

Section 702(b)(1) of the Act requires the Department to initiate a CVD proceeding whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioners supporting the allegations.

The Department has examined the Petition on certain solar cells and panels from the PRC and finds that it complies with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating a CVD investigation to determine whether producers/exporters of certain solar cells and panels in the PRC receive countervailable subsidies. For a discussion of evidence supporting our initiation determination, *see* the CVD Initiation Checklist which accompanies this notice.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of 28 alleged programs. For the other five programs alleged by Petitioner, we have determined that the requirements for initiation have not been met. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the CVD Initiation Checklist.

**Respondent Selection**

For this investigation, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POI (*i.e.,* calendar year 2012) under the following Harmonized Tariff Schedule of the United States numbers: 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030, and 8501.31.8000. We intend to release the CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five days of the announcement of the initiation of this investigation. Interested parties may submit comments regarding the CBP data and respondent selection within seven calendar days of release of this data. We intend to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice.

**Notification to Interested Parties**

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo/index.html.*

**Distribution of Copies of the CVD Petition**

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the representatives of the GOC. Because of the particularly large number of producers/exporters identified in the Petition, the Department considers the service of the public version of the petition to the foreign producers/exporters satisfied by the delivery of the public version to the GOC, consistent with 19 CFR 351.203(c)(2).

**ITC Notification**

We have notified the ITC of our initiation, as required by section 702(d) of the Act.

**Preliminary Determination by the ITC**

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of subsidized certain solar cells and panels from the PRC materially injure, or threaten material injury to, a U.S. industry.[27] A negative ITC determination will result in the investigation being terminated.[28] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

**Submission of Factual Information**

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to this investigation. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this investigation.

**Revised Extension of Time Limits Regulation**

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[29] The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited

[25] *See* Volume I of the Petition, at 5–7, 20–22, 33–67 and Exhibits I–1, I–4, I–13 through I–14, I–16 through I–20, and I–22 through I–30; General Issues Supplement, at 8–9 and Exhibits I–Supp–1, I–Supp–4 and I–Supp–5; and Second General Issues Supplement, at 5–11 and Exhibits I–Supp–7 through I–Supp–15.

[26] *See* PRC CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Petitions Covering Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China and Taiwan.

[27] *See* section 703(a)(2) of the Act.

[28] *See* section 703(a)(1) of the Act.

[29] *See Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013).

to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under section 19 CFR 351.408(c), or to measure the adequacy of remuneration under section 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the Extension of Time Limits; Final Rule, available at *http://www.gpo.gov//fdsys//pkg//FR-2013-09-20//html//2013-22853.htm,* prior to submitting factual information in this segment.

**Certification Requirements**

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[30] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all AD or CVD investigations or proceedings initiated on or after August 16, 2013, including this investigation.[31] The formats for the revised certifications are provided at the end of the *Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

This notice is issued and published pursuant to section 777(i) of the Act.

[30] *See* section 782(b) of the Act.

[31] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*).

Dated: January 22, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement & Compliance.*

## Appendix I

**Scope of the Investigation**

The merchandise covered by this investigation is crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials. For purposes of this investigation, subject merchandise also includes modules, laminates and/or panels assembled in the subject country consisting of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than that subject country, using ingots that are manufactured in the subject country, wafers that are manufactured in the subject country, or cells where the manufacturing process begins in the subject country and is completed in a non-subject country.

Subject merchandise includes crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Excluded from the scope of this investigation are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS). Also excluded from the scope of this investigation are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012).

Also excluded from the scope of this investigation are crystalline silicon photovoltaic cells, not exceeding 10,000mm$^2$ in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

[FR Doc. 2014–01743 Filed 1–28–14; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[Application No. 97–12A003]**

### Export Trade Certificate of Review

**ACTION:** Notice of Application (97–12A003) to amend the Export Trade Certificate of Review held by the Association for the Administration of Rice Quotas, Inc.

**SUMMARY:** The Office of Trade and Economic Analysis (''OTEA'') of the International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:** Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov*.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

**Request for Public Comments**

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business

information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7025–X, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 97–12A003.''

The original Certificate for the Association for the Administration of Rice Quotas, Inc., was issued on January 21, 1998 (63 FR 4220, January 28, 1998). A summary of the current application for an amendment follows.

**Summary of the Application**

*Applicant:* Association for the Administration of Rice Quotas, Inc. (''AARQ''), c/o Jess Errecarte, AARQ Chairman, 1550 Drew Ave Suite 150 Davis, California 95616.

*Contact:* Matthew R. Elkin, Counsel, Morgan, Lewis & Bockius LLP, Telephone (202) 739–5285.

*Application No.:* 97–12A003.

*Date Deemed Submitted:* January 7, 2014.

*Proposed Amendment:* AARQ seeks to amend its Certificate to:

1. Remove the following member companies from AARQ Certificate: Newfield Rice, Inc., Miramar, Florida and The Connell Company for the activities of itself and its two divisions, Connell Rice & Sugar Co. and Connell International Company, Berkeley Heights, New Jersey
2. Change the names of the following AARQ members: Commodity Specialists Company, Minneapolis, Minnesota to Sinamco Trading Inc., Minneapolis, Minnesota and Nidera US LLC, Wilton, Connecticut (a subsidiary of Nidera Handelscompagnie BV (Netherlands) to Nidera US LLC, Wilton, Connecticut (a subsidiary of Nidera BV (Netherlands))

*AARQ's proposed amendment of its Export Trade Certificate of Review would result in the following membership list:*

ADM Latin, Inc., Decatur, Illinois, ADM Grain Company, Decatur, Illinois, and ADM Rice, Inc., Tarrytown, New York (subsidiaries of Archer Daniels Midland Company)
American Commodity Company, LLC, Williams, California
Associated Rice Marketing Cooperative (ARMCO), Richvale, California
Bunge Milling, St. Louis, Missouri (a subsidiary of Bunge North America, White Plains, New York) dba PIRMI (Pacific International Rice Mills), Woodland, California
Cargill Americas, Inc., and its subsidiary CAI Trading LLC, Coral Gables, Florida
Family & Sons, Inc., Miami, Florida
Farmers' Rice Cooperative, Sacramento, California
Farmers Rice Milling Company, Inc., Lake Charles, Louisiana
Far West Rice, Inc., Durham, California
Gulf Pacific Rice Co., Inc., Houston, Texas; Gulf Rice Milling, Inc., Houston, Texas; and Harvest Rice, Inc., McGehee, Arkansas (each a subsidiary of Gulf Pacific, Inc., Houston, Texas)
Gulf Pacific Disc, Inc., Houston, Texas
Itochu International Inc., Portland, Oregon (a subsidiary of Itochu Corporation (Japan))
JFC International Inc., Los Angeles, California (a subsidiary of Kikkoman Corp.)
JIT Products, Inc., Davis, California
Kennedy Rice Dryers, L.L.C., Mer Rouge, Louisiana
Kitoku America, Inc., Burlingame, California (a subsidiary of Kitoku Shinryo Co., Ltd. (Japan))
LD Commodities Rice Merchandising LLC, Wilton, Connecticut, and LD Commodities Interior Rice Merchandising LLC, Kansas City, Missouri (subsidiaries of Louis Dreyfus Commodities LLC, Wilton, Connecticut)
Louisiana Rice Mill, LLC, Mermentau, Louisiana
Nidera, US LLC, Wilton, Connecticut (a subsidiary of Nidera BV (Netherlands))
Nishimoto Trading Co., Ltd., Santa Fe Springs, California (a subsidiary of Nishimoto Trading Company, Ltd. (Japan))
Noble Logistic USA Inc., Portland, Oregon
Producers Rice Mill, Inc., Stuttgart, Arkansas
PS International, LLC dba PS International Ltd., Chapel Hill, North Carolina (jointly owned by Seaboard Corporation, Kansas City, Missouri and PS Trading Inc., Chapel Hill, North Carolina)
Riceland Foods, Inc., Stuttgart, Arkansas
Rickmers Rice USA, Inc., Knoxville, Tennessee
Riviana Foods Inc., Houston, Texas (a subsidiary of Ebro Foods, S.A. (Spain)) for the activities of itself and its subsidiary, American Rice, Inc., Houston, Texas
Sinamco Trading, Inc., Minneapolis, Minnesota
SunFoods LLC, Woodland, California
SunWest Foods, Inc., Davis, California
Texana Rice, Inc., Louise, Texas
The Sun Valley Rice Co., LLC, Arbuckle, California
TRC Trading Corporation, Roseville, California (a subsidiary of TRC Group Inc., Roseville California) and its subsidiary Gulf Rice Arkansas II, LLC, Houston, Texas
Trujillo & Sons, Inc., Miami, Florida
Veetee Rice, Inc., Great Neck, New York (a subsidiary of Veetee Investments Corporation (Bahamas))
Wehah Farm, Inc., dba Lundberg Family Farms, Richvale, California.

Dated: January 23, 2014.

**Joseph Flynn,**

*Director, Office of Trade and Economic Analysis, International Trade Administration.*

[FR Doc. 2014–01766 Filed 1–28–14; 8:45 am]

BILLING CODE 3510–DR–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC969**

### Draft Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammals—Acoustic Threshold Levels for Onset of Permanent and Temporary Threshold Shifts

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

**ACTION:** Notice; reopening of public comment period.

**SUMMARY:** On December 27, 2013 the National Marine Fisheries Service (NMFS) on behalf of NMFS and the National Ocean Service (referred to collectively here as the National Oceanic and Atmospheric Administration (NOAA)), announced the availability of draft guidance for assessing the effects of anthropogenic sound on marine mammal species under NOAA's jurisdiction. NOAA solicited public comment on the draft guidance and provided a 30-day public comment period ending January 27, 2014. NOAA

has received requests for an extension of the public comment period. In response to those requests, NOAA is reopening the public comment period for an additional 45 days.

**DATES:** Comments must be received or postmarked by no later than March 13, 2014.

**ADDRESSES:** The draft guidance is available in electronic form via the Internet at *http://www.nmfs.noaa.gov/pr/acoustics/* and via the eRulemaking Portal *http://www.regulations.gov.*

You may submit comments, identified by NOAA–NMFS–2013–0177, by any of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov.*

• *Mail:* Send comments to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Acoustic Guidance.

*Instructions:* All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Amy Scholik-Schlomer, Office of Protected Resources, 301–427–8449.

**SUPPLEMENTARY INFORMATION:** On December 27, 2013 NOAA announced the availability of draft guidance for assessing the effects of anthropogenic sound on marine mammal species under NOAA's jurisdiction for public comment (78 FR 78822). The guidance provides updated received levels, or thresholds, above which individual marine mammals are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for all underwater anthropogenic sound sources. NOAA has received requests for an extension of the public comment period. In response to these requests, NOAA is reopening the comment period an additional 45 days. Comments must be received or postmarked by no later than March 13, 2014.

Dated: January 23, 2014.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 2014–01611 Filed 1–28–14; 8:45 am]

**BILLING CODE 3510–22–P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–BD89**

### Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training and Testing Activities in the Northwest Training and Testing Study Area

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

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to the training and testing activities conducted in the Northwest Training and Testing (NWTT) Study Area from October 2015 through October 2020. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS announces our receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy's application and request.

**DATES:** Comments and information must be received no later than February 28, 2014.

**ADDRESSES:** Comments on the application should be addressed to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing email comments is *ITP.Hopper@noaa.gov.* NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

*Instructions:* All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

A copy of the Navy's application may be obtained by visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* The Navy's Draft Environmental Impact Statement (DEIS) for NWTT was made available to the public on January 17, 2014. A 60-day public comment period is open through March 18, 2014. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Brian D. Hopper, Office of Protected Resources, NMFS, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:**

### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specific geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

With respect to military readiness activities, the MMPA defines ''harassment'' as: ''(i) any act that injures or has the significant potential to injure a marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal

stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].''

**Summary of Request**

On December 18, 2013, NMFS received an application from the Navy requesting a Letters of Authorization (LOA) for the take of 29 species of marine mammals incidental to Navy training and testing activities to be conducted in the NWTT Study Area over 5 years. The Navy is requesting a 5-year LOA for training and testing activities to be conducted from 2015 through 2020. The Study Area includes the existing Northwest Training Range Complex, the Keyport Range Complex, Carr Inlet Operations Area, Southeast Alaska Acoustic Measurement Facility (SEAFAC), and Navy pierside locations where sonar maintenance or testing may occur (see Figure 1–1 of the Navy's application for a map of the NWTT Study Area). The activities conducted within the NWTT Study Area are classified as military readiness activities. The Navy states that these activities may expose some of the marine mammals present within the NWTT Study Area to sound from underwater acoustic sources and explosives. In addition, incidental takes of marine mammals may occur from ship strike. The Navy is requesting authorization to take 29 marine mammal species by Level B (behavioral) harassment; 9 of those marine mammal species may be taken by injury or mortality.

**Description of the Specified Activity**

In the application submitted to NMFS, the Navy requests authorization to take marine mammals incidental to conducting the following training and testing activities: Anti-surface warfare; anti-submarine warfare; mine warfare; naval special warfare; major training activities; Naval Air Systems Command (NAVAIR) testing; anti-surface warfare testing; anti-submarine warfare testing; Naval Sea Systems Command (NAVSEA) testing; and Office of Naval Research (ONR) and Naval Research Laboratory (NRL) testing. Detailed descriptions of these activities, including duration, location, and equipment involved, are provided in the Navy's application. The Navy has also prepared a Draft Environmental Impact Statement (DEIS) analyzing the effects on the human environment of implementing their preferred alternative (among others).

**Information Solicited**

Interested persons may submit information, suggestions, and comments concerning the Navy's request (see **ADDRESSES**). All input related to the Navy's NWTT request and NMFS' role in governing the incidental taking of marine mammals will be considered by NMFS when developing, if appropriate, the most effective regulations governing the issuance of a Letter of Authorization.

Dated: January 24, 2014.

**Donna S. Wieting,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2014–01724 Filed 1–28–14; 8:45 am]

**BILLING CODE 3510–22–P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### Academic Research Council Solicitation of Applications for Membership

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice.

**SUMMARY:** Section 1013(b)(1) of the Consumer Financial Protection Act, 12 U.S.C. 5493(b)(1), establishes the Consumer Financial Protection Bureau's (''Bureau'') Office of Research and assigns to it the responsibility of researching, analyzing, and reporting on topics relating to the Bureau's mission, including developments in markets for consumer financial products and services, consumer awareness, and consumer behavior. The Bureau established the Academic Research Council as a technical advisory body comprised of scholars to provide the Office of Research with guidance as it performs its responsibilities. Director Richard Cordray invites qualified individuals to apply for appointment to the Academic Research Council. Appointments to the Council are typically for two years. However, the Director may amend the Council charter from time to time during the charter terms, as the Director deems necessary to accomplish the purpose of the Council. There are two vacancies on the Academic Research Council. Bureau expects to announce the selection of new members in March 2014.

**DATES:** Complete application packets received on or before February 11, 2014 will be given consideration for membership on the Council.

**ADDRESSES:** Complete application packets must include a résumé for each applicant and a completed application. The appropriate forms can be accessed at: *http://www.consumerfinance.gov/blog/accepting-applications-for-our-academic-research-council.*

If electronic submission is not feasible, the completed application packet can be mailed to Christopher Banks, Consumer Financial Protection Bureau, 1700 G Street NW., 6108 E–A, Washington, DC 20552.

All applications for membership on the Academic Research Council should be sent:

- *Electronically: CFPB_BoardandCouncilApps@cfpb.gov.* We strongly encourage electronic submissions.
- *Mail:* Christopher Banks, Consumer Financial Protection Bureau, 1700 G Street NW., 6111 E–B, Washington, DC 20552. Post marked on or before 5:00 p.m. eastern standard time on February 11, 2014.
- *Hand Delivery/Courier in Lieu of Mail:* Christopher Banks, Consumer Financial Protection Bureau, 1700 G Street NW., 6111 E–B, Washington, DC 20552. Received on or before 5:00 p.m. eastern standard time on February 11, 2014.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Christopher Banks, Consumer Financial Protection Bureau, (202) 435–9064.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Bureau is charged with regulating ''the offering and provision of consumer financial products or services under the Federal consumer financial laws,'' so as to ensure that ''all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.'' Pursuant to Section 1021(c) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203 (''Dodd-Frank Act''), the Bureau's primary functions are:

1. Conducting financial education programs;
2. Collecting, investigating, and responding to consumer complaints;
3. Collecting, researching, monitoring, and publishing information relevant to the function of markets for consumer financial products and services to identify risks to consumers and to the proper functioning of such markets;
4. Supervising persons covered under the Dodd-Frank Act for compliance with

Federal consumer financial law, and taking appropriate enforcement action to address violations of Federal consumer financial law;

5. Issuing rules, orders, and guidance implementing Federal consumer financial law; and

6. Performing such support activities as may be needed or useful to facilitate the other functions of the Bureau.

**II. Academic Research Council**

Section 1013(b)(1) of the Consumer Financial Protection Act, 12 U.S.C. 5493(b)(1), establishes the Consumer Financial Protection Bureau's Office of Research and assigns to it the responsibility of researching, analyzing, and reporting on topics relating to the Bureau's mission, including developments in markets for consumer financial products and services, consumer awareness, and consumer behavior. The Bureau established the Academic Research Council as a technical advisory body comprised of scholars to provide the Office of Research methodological and technical advice and feedback on its research work by framing research questions; suggesting new data collection strategies and methods of analysis; providing feedback, both backward and forward looking, on the Office of Research's research program; providing input into its research strategic planning process and research agenda; collaborating with CFPB research staff on high value research projects which shall allow for transfer of specialized expertise; and supporting high quality recruitment.

**III. Qualifications**

In appointing members of the Council, the Office of Research seeks to recruit tenured academics, with a world class research and publishing background, and a record of public or academic service. We are seeking prominent experts who are recognized for their professional achievements and objectivity in economics, statistics, psychology or behavioral science. In particular, academics with strong methodological and technical expertise in structural or reduced form econometrics, modeling of consumer decision-making, behavioral economics, experimental economics, program evaluation, psychology, and financial choice. The members of the Council will collectively provide a balance of expertise across these areas.

The Council is composed of no more than eight members. Currently we have six Council members. We are looking to fill two additional seats on the Council in 2014. You can learn more about current Academic Research Council members at *http://files.consumerfinance.gov/f/1209_cfpb_arcbios.pdf.*

The Bureau has a special interest in ensuring that the perspectives of women and men, all racial and ethnic groups, and individuals with disabilities are adequately represented on the Board and Councils, and therefore, encourages applications from qualified candidates from these groups. The Bureau also has a special interest in establishing a Council that is represented by a diversity of viewpoints and constituencies, and therefore encourages nominations for qualified candidates who:

1. Represent the United States' geographic diversity; and

2. Understand the interests of special populations identified in the Dodd-Frank Act, including servicemembers, older Americans, students, and traditionally underserved consumers and communities.

**IV. Application Procedures**

Any interested person may apply for membership on the Council.

A complete application packet must include:

1. A complete résumé or curriculum vitae for the applicant; and

2. Completed application—*http://www.consumerfinance.gov/blog/accepting-applications-for-our-academic-research-council.*

To evaluate potential sources of conflicts of interest, the Bureau will ask potential candidates to provide information related to financial holdings and/or professional affiliations, and to allow the Bureau to perform a background check. The Bureau will not review nominations and will not answer questions from internal or external parties regarding applications until the application period has closed.

The Bureau will not entertain nominations of federally registered lobbyists and individuals who have been convicted of a felony for a position on the Council.

Only complete applications will be given consideration for review of membership on the Council.

Dated: January 23, 2014.

**Christopher D'Angelo,**

*Chief of Staff, Bureau of Consumer Financial Protection.*

[FR Doc. 2014–01607 Filed 1–28–14; 8:45 am]

BILLING CODE 4810–AM–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces; Notice of Federal Advisory Committee Meeting

**AGENCY:** Office of the Assistant Secretary of Defense, DoD.

**ACTION:** Meeting notice.

**SUMMARY:** The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces (subsequently referred to as the Task Force).

**DATES:** Monday, February 24, 2014 from 8:30 a.m. to 4:45 p.m. EST—Tuesday, February 25, 2014 from 8:30 a.m. to 5:15 p.m. EST.

**ADDRESSES:** DoubleTree by Hilton Hotel Washington DC-Crystal City, 300 Army Navy Drive, Arlington, VA 22202 (Washington Ball Room).

**FOR FURTHER CONTACT INFORMATION:** Mail Delivery service through Recovering Warrior Task Force, Hoffman Building II, 200 Stovall St., Alexandria, VA 22332–0021. ''Mark as Time Sensitive for February Meeting''. Email correspondence to *rwtf@mail.mil.* Denise F. Dailey, Designated Federal Officer; Telephone (703) 325–6640. Fax (703) 325–6710.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of 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, as amended), and 41 CFR 102–3.150.

*Purpose of the Meeting:* The purpose of the meeting is for the Task Force Members to convene and gather data from panels and briefers on the Task Force's topics of inquiry.

*Agenda:* (Refer to *http://rwtf.defense.gov* for the most up-to-date meeting information.)

**Day One: Monday, February 24, 2014**

8:30 a.m.–8:45 a.m. Welcome, Member Introductions

8:45 a.m.–9:30 a.m. Installation Visit After Action Review

9:30 a.m.–10:30 a.m. Army Warrior Transition Command Response to RWTF FY13 Recommendations

10:30 a.m.–10:45 a.m. Break

10:45 a.m.–11:30 a.m. Army Warrior Transition Command Survey Program
11:30 a.m.–12:30 p.m. Air Force Wounded Warrior & Survivor Care Response to RWTF FY13 Recommendations
12:30 p.m.–1:30 p.m. Break for Lunch
1:30 p.m.–2:30 p.m. Office of Warrior Care Policy
2:30 p.m.–3:15 p.m. Office of the Assistant Secretary of Defense (Reserve Affairs)
3:15 p.m.–3:30 p.m. Break
3:30 p.m.–4:30 p.m. Interagency Care Coordination Committee (IC3) Update
4:30 p.m.–4:45 p.m. Wrap Up

**Day Two: Tuesday, February 25, 2014**

8:30 a.m.–9:00 a.m. Welcome, Annual Ethics Training for Task Force Members
9:00 a.m.–9:15 a.m. Public Forum
9:15 a.m.–10:15 a.m. Navy Response to RWTF FY13 Recommendations
10:15 a.m.–11:00 a.m. Safe Harbor Enrollee and Caregiver Surveys
11:00 a.m.–11:15 a.m. Break
11:15 a.m.–12:15 p.m. Marine Corps Wounded Warrior Regiment Response to RWTF FY13 Recommendations
12:15 p.m.–1:00 p.m. Marine Corps WWR Survey Program
1:00 p.m.–2:00 p.m. Break for Lunch
2:00 p.m.–3:00 p.m. Open Briefing Time
3:00 p.m.–3:15 p.m. Break
3:15 p.m.–4:15 p.m. Effectiveness of Memorandums of Understanding vs. Joint Policy
4:15 p.m.–5:00 p.m. Status of Forces Survey Data
5:00 p.m.–5:15 p.m. Wrap Up

*Public's Accessibility to the Meeting:* Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces about its mission and functions. If individuals are interested in making an oral statement during the Public Forum, a written statement for a presentation of two minutes must be submitted as stated in this notice and it must be identified as being submitted for an oral presentation by the person making the submission. Identification information must be provided and, at a minimum, must include a name and a phone number. Individuals may visit the Task Force Web site at *http://rwtf.defense.gov* to view the Charter. Individuals making presentations will be notified by Thursday, February 20, 2014. Oral presentations will be permitted only on Tuesday, February 25, 2014 from 9:00 a.m. to 9:15 a.m. EST before the Task Force. The number of oral presentations will not exceed ten, with one minute of questions available to the Task Force members per presenter. Presenters should not exceed their two minutes.

Written statements in which the author does not wish to present orally may be submitted at any time or in response to the stated agenda of a planned meeting of the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.

All written statements shall be submitted to the Designated Federal Officer for the Task Force through the contact information in the **FOR FURTHER INFORMATION CONTACT** section, and this individual will ensure that the written statements are provided to the membership for their consideration.

Statements, either oral or written, being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 5:00 p.m. EST, Tuesday, February 18, 2014 with the subject of this notice. Statements received after this date may not be provided to or considered by the Task Force until its next meeting. Please mark mail correspondence as ''Time Sensitive for February Meeting.''

The Designated Federal Officer will review all timely submissions with the Task Force Co-Chairs and ensure they are provided to all members of the Task Force before the meeting that is the subject of this notice.

Reasonable accommodations will be made for those individuals with disabilities who request them. Requests for additional services should be directed to Ms. Heather Moore, (703) 325–6640, by 5:00 p.m. EST, Wednesday, February 19, 2014.

Dated: January 23, 2014.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2014–01620 Filed 1–28–14; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

**[Docket No. DARS–2013–0046]**

### Submission for OMB Review; Comment Request

**AGENCY:** Defense Acquisition Regulations System, DoD.

**ACTION:** Notice.

**SUMMARY:** The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**DATES:** Consideration will be given to all comments received by February 28, 2014.

**SUPPLEMENTARY INFORMATION:**

*Title, Associated Form, and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) part 204, Administrative Matters, and related clauses at DFARS 252.204; DD Form 2051, Request for Assignment of a Commercial and Government Entity (CAGE) Code; OMB Control Number 0704–0225.

*Type of Request:* Extension.

*Number of Respondents:* 12,895.

*Responses per Respondent:* 1.

*Annual Responses:* 12,895.

*Average Burden per Response:* Approximately 1.0 hours.

*Annual Burden Hours:* 13,418.

*Needs and Uses:* DoD uses this information to control unclassified contract data that is sensitive and inappropriate for release to the public; and it is used to facilitate data exchange among automated systems for contract award, contract administration, and contract payment by assigning a unique code to each DoD contractor.

*Affected Public:* Businesses or other for-profit and not-for profit institutions.

*Frequency:* On Occasion.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

*Instructions:* All submissions received must include the agency name, docket

number, and title for the **Federal Register** document. The general policy for comments and other public submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

*DoD Clearance Officer:* Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD/Information Management Division, 4800 Mark Center Drive, 2nd Floor, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. 2014–01848 Filed 1–28–14; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF ENERGY

**[FE Docket No. 13–155–LNG]**

## ConocoPhillips Alaska Natural Gas Corporation; Application for Blanket Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Countries on a Short-Term Basis

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application) filed on December 11, 2013, by ConocoPhillips Alaska Natural Gas Corporation (CPANGC), requesting blanket authorization to export a quantity of liquefied natural gas (''LNG'') in an amount up to the equivalent of 40 billion cubic feet (''Bcf'') of natural gas on a cumulative basis over a two-year period. CPANGC seeks blanket authorization to export this volume of LNG from facilities located in the Cook Inlet near Kenai, Alaska, acting on its own behalf or as agent for others, to any country with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy (''non-FTA countries''). CPANGC seeks such authorization for a two-year period to commence on the date of issuance of the order granting the requested authorization.

The Application was filed under section 3 of the Natural Gas Act (NGA), 15 U.S.C. 717b.

**DATES:** Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., eastern time, February 28, 2014.

**ADDRESSES:**

Electronic Filing by email: *fergas@hq.doe.gov.*

**Regular Mail**

U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

**Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.)**

U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:**

Larine Moore or Lisa Tracy, U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478; (202) 586–4523.

Edward Myers, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6B–256, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–3397.

**SUPPLEMENTARY INFORMATION:**

### Background

CPANGC is a Delaware corporation with its principal place of business in Anchorage, Alaska. CPANGC is a wholly-owned subsidiary of ConocoPhillips Company (''ConocoPhillips''), a publicly-traded Delaware corporation. CPANGC is authorized to do business in the State of Alaska, among other states. CPANGC is the operator and indirect owner of existing natural gas liquefaction and marine terminal facilities located in the Cook Inlet near Kenai, Alaska (''Kenai LNG Facility'').

CPANGC states in the Application that either itself or its predecessors have exported LNG from the Kenai LNG Facility over a forty-five year period pursuant to several, sequential export authorizations granted by DOE/FE or its predecessor agencies. The more recent such authorizations have included DOE Order and Opinion No. 2500, issued June 3, 2008, which authorized CPANGC and Marathon Oil Company (co-owners of the Kenai LNG Facility at the time) to export up to 99 trillion British thermal units (TBtus) of LNG on a short-term or spot-market basis to Japan and/or one or more countries in the Pacific Rim over a two-year period commencing April 1, 2009, and terminating March 31, 2011. DOE/FE denied rehearing of Order No. 2500 in DOE Opinion and Order No. 2500–A, issued July 30, 2008.

Most recently, on October 5, 2010, DOE/FE issued Order No. 2860, which granted CPANGC and Marathon blanket authorization to export the balance of the 99 TBtus of LNG authorized for export in Order Nos. 2500 and 2500–A, which had not been exported by the expiration of that authorization on March 31, 2011. This most recent authorization to export LNG from the Kenai LNG Facility to Japan and/or one or more other countries in the Pacific Rim with which trading is not prohibited by U.S. law commenced on April 1, 2011, and expired on March 31, 2013.

CPANGC did not apply to extend its prior export authorizations beyond March 31, 2013. According to the Application, this was due to perceived uncertainties regarding the near-term adequacy of natural gas supplies in the Cook Inlet region for regional needs. CPANGC states, however, that the uncertainties have been removed and this change of circumstances justifies the instant Application.

### Current Application

CPANGC seeks blanket authorization to export a quantity of LNG in an amount up to the equivalent of 40 Bcf of natural gas from the Kenai LNG Facility, acting on its own behalf or as agent for others, to any country with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy. CPANGC is willing to comply with the agency requirements imposed by DOE/FE in a series of recent orders. CPANGC seeks such authorization for a two-year period to commence on the date of issuance of the order granting the requested authorization. CPANGC expects that LNG prices will vary from time to time to reflect changes in market conditions.

Consistent with the DOE/FE precedent, natural gas purchase and sales contracts are not being filed as part of this application for blanket authorization to export LNG from the Kenai LNG Facility. CPANGC certifies that there are no other proceedings related to this Application currently pending at either DOE or any other Federal agency.

CPANGC states that approval of this application is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.,* and no environmental impact statement or environmental assessment is required. CPANGC further states that the proposed export of LNG would not require any changes to the Kenai LNG Facility and that the LNG manufacturing and storage facilities that will be utilized during the blanket authorization already exist and have been operated safely without major disruption of supply or accident since their startup in 1969.

**Public Interest Considerations**

CPANGC states that, under section 3 of the NGA, DOE/FE must authorize an export of natural gas from the United States to a foreign country unless there is a finding that the export will not be consistent with the public interest. CPANGC further states that DOE/FE has found that section 3 of the NGA creates a statutory presumption in favor of approval of a properly-framed export application, which opponents bear the burden of overcoming. According to CPANGC, DOE/FE's public interest determination is guided by DOE Delegation Order No. 0204–111, which designates domestic need for the natural gas proposed to be exported as the only explicit criterion that must be considered in determining the public interest. CPANGC states that DOE/FE has found the regional need for the natural gas proposed to be exported to be the principal focus of its review for an application for authorization to export LNG from the State of Alaska and that DOE/FE has in turn evaluated regional need in Southcentral Alaska by determining whether there is sufficient evidence that regional natural gas supplies will be adequate to meet both regional needs and the proposed LNG export during the relevant export period. CPANGC also states that DOE/FE has considered other factors to the extent they are shown to be relevant to the public interest determination for an export authorization.

CPANGC maintains that its Application for blanket authorization to export LNG from the Kenai LNG Facility to non-FTA countries is not inconsistent with the public interest. It asserts that the natural gas to be exported under the requested blanket authorization is not needed to meet regional demand for natural gas during the proposed export period. CPANGC adds that, by providing an additional source of demand, particularly during the warmer months when domestic demand is low, the requested export authorization will provide tangible benefits to the local community by not only preserving gas well deliverability and enhancing the current supply security of Southcentral Alaska, but also by providing an economic incentive and market opportunity for continued exploration and additional gas supply development in Alaska's Cook Inlet.

Additional details can be found in CPANGC's Application, which is posted on the DOE/FE Web site at: *http://www.fossil.energy.gov/programs/gasregulation/authorizations/2013_applications/13_155_LNG.pdf.*

**Request for Expedited Action**

CPANGC requests that DOE/FE act upon the Application as expeditiously as possible, preferably within 90 days, in order that LNG export activity can be resumed during the second quarter of 2014. In view of the submission of letters in support of the Application from the State of Alaska Department of Natural Resources (DNR) and others (reproduced respectively in Appendix C and Appendix E to the Application), CPANGC does not expect material, substantive opposition to the requested export authorization from key stakeholders in Southcentral Alaska. In addition, CPANGC states that it is relying upon a supply and demand study that DOE/FE has already evaluated in DOE Opinion and Order No. 2860, as supplemented by a 2011 DNR Study that is incorporated by reference in the Application.

**DOE/FE Evaluation**

The Application will be reviewed pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a). In reviewing this LNG export Application, DOE will consider issues required by law or policy. The Application is considered a renewal of previously issued authority (see discussion above). To the extent determined to be relevant or appropriate, DOE/FE's review will include the impact of LNG exports associated with this Application on Alaskan regional domestic need for the natural gas proposed for export, adequacy of domestic natural gas supply in Alaska, and other issues, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose the Application should address these issues in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities. Interested persons will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, notices of intervention, or motions for additional procedures.

**Public Comment Procedures**

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention, as applicable. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR Part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov* with FE Docket No. 13–155–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES** before 4:30 p.m. EST. All filings must include a reference to FE Docket No. 13–155–LNG. **Please Note:** If submitting a filing via email, please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to

ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may submit an answer to the Request for Expedited Action,[1] or may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision, and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Division of Natural Gas Regulatory Activities docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

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

**John A. Anderson,**

*Director, Division of Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.*

[FR Doc. 2014–01713 Filed 1–28–14; 8:45 am]

**BILLING CODE 6450–01–P**

[1] Under section 590.302(c) of the Department of Energy's regulations (10 CFR 590.302(c)), the Request for Expedited Action would be deemed denied by operation of law in the absence of agency action within 30 days after the Request was filed. In order to permit sufficient time for the submission of answers to the Request, the deadline for answers is being reset to February 28, 2014.

## DEPARTMENT OF ENERGY

### Annual Public Meeting of the Interagency Steering Committee on Multimedia Environmental Modeling

**AGENCY:** Office of Environmental Management, Department of Energy.

**ACTION:** Notice of meeting.

**SUMMARY:** The annual public meeting of the Federal Interagency Steering Committee on Multimedia Environmental Modeling (ISCMEM) will convene to discuss the latest developments in environmental modeling applications, tools and frameworks as well as new operational initiatives for FY 2014 among the participating agencies. This meeting is re-scheduled from October 22–23, 2013 due to Federal government shutdown that was caused by a lapse in Congressional appropriations. The meeting will be hosted by the U.S. Department of Energy (U.S. DOE), one of the participants in the ISCMEM, at its Forrestal Building Main Auditorium at 1000 Independence Avenue SW., Washington, DC 20585 adjacent to the Smithsonian Metrorail Station. The meeting is open to the public and all interested parties may attend.

**DATES:** February 25, 2014, from 8:00 a.m. to 5:30 p.m., Eastern Standard Time (EST) and February 26, 2014, from 8:30 a.m. to noon, EST.

**ADDRESSES:** U.S. Department of Energy, Forrestal Building, Main Auditorium (Room GE–086), 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** For Federal and contractor employees with valid government badge, pre-registration may be accomplished through the ISCMEM public Web site: *http://iemhub.org/topics/iscmem*. Instructions for registration of Federal and contractor employees through the Web site may be requested by email to *Whelan.Gene@epamail.epa.gov*. Other U.S. attendees need to provide name, citizenship, and company information to *Ming.Zhu@em.doe.gov* to pre-register before February 14, 2014. Foreign nationals need to contact *Justin.Marble@em.doe.gov* for registration requirements, and pre-register before February 11, 2014. Other inquiries may be addressed to: Dr. Ming Zhu, ISCMEM Chair, U.S. Department of Energy, Office of Environmental Management, 1000 Independence Ave. SW., Washington, DC 20585, Tel 301–903–9240, *Ming.Zhu@em.doe.gov*.

**SUPPLEMENTARY INFORMATION:** *Background:* In 2001, six Federal agencies began formal cooperation under a Memorandum of Understanding (MOU) on the research and development of multimedia (i.e. air, soil, water) environmental models. This MOU established the Federal Interagency Steering Committee on Multimedia Environmental Modeling (ISCMEM). The MOU was revised and renewed in 2006 and again in 2011. The MOU establishes a framework for facilitating cooperation and coordination among research organizations in the participating agencies. So far, seven agencies have signed the current renewal of the MOU: The U.S. Army Corps of Engineers (Engineer Research and Development Center); the U.S. Department of Agriculture (National Resources Conservation Service); the U.S. Department of Energy (Office of Environmental Management); the U.S. Department of the Interior (U.S. Geological Survey); the U.S. Environmental Protection Agency (Office of Research and Development); the U.S. National Science Foundation (Geosciences Directorate); and the U.S. Nuclear Regulatory Commission (Office of Nuclear Regulatory Research). Other agencies are considering signing the revised MOU.

In ISCMEM, agencies cooperate and coordinate in research and development of all aspects of multimedia environmental modeling. This includes development and enhancements of software, databases, and interoperability, and applications and assessment of site specific, generic, and process-oriented multimedia environmental models as they pertain to human and environmental health risk assessment. Multimedia environmental model development and simulation supports interagency interests in risk assessment, uncertainty analyses, management of geologic, hydrologic, atmospheric, terrestrial, and ecological resources, and decision making. The theme of this year's annual public meeting is ''How environmental modeling plays a role in decision making''. The topics to be discussed focus on: (1) Citizen science, crowd sourcing, and social media; (2)

environment and energy; (3) energy/water nexus; (4) climate change; and (5) water resources management.

*Purpose of the Public Meeting:* The annual public meeting provides an opportunity for the scientific community, ISCMEM members and other Federal and State agencies, and the public to discuss ISCMEM activities and their initiatives for the upcoming year, and to discuss technological advancements in multimedia environmental modeling.

*Proposed Agenda:* The ISCMEM Chair will open the meeting with a brief overview of the goals of the MOU and an update on current activities and future plans of ISCMEM. This introduction will be followed by a series of invited technical presentations for the remainder of the first day, focusing on topics of mutual interest to ISCMEM participants. The steering committee will hold an open business session on the morning of the second day. A detailed agenda with presentation titles and speakers will be posted on the ISCMEM public Web site: *http://iemhub.org/topics/iscmem*. The agenda and instructions for registration will also be available through the list of public meetings on the US Nuclear Regulatory Commission Web site at *http://www.nrc.gov/public-involve/public-meetings.html*.

*Meeting Access:* The meeting location at the U.S. DOE Forrestal Building, Main Auditorium (Room GE–086) is located at 1000 Independence Avenue SW., Washington, DC 20585 adjacent to the Smithsonian Metrorail Station. The meeting facility is wheelchair accessible. Please allow time to register with U.S. DOE visitor security check-in at the main lobby and bring two photo IDs. Direct access to the meeting room is on the same level as the visitor security check-in. Refer to the above section **FOR FURTHER INFORMATION CONTACT** for pre-registration requirements.

**Ming Zhu,**

*Chair, Federal Interagency Steering Committee on Multimedia Environmental Modeling.*

[FR Doc. 2014–01715 Filed 1–28–14; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Idaho National Laboratory

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Laboratory. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, February 12, 2014; 8:00 a.m.–5:00 p.m.

The opportunity for public comment is at 11:15 a.m.

This time is subject to change; please contact the Federal Coordinator (below) for confirmation of times prior to the meeting.

**ADDRESSES:** Residence Inn by Marriott, 635 W. Broadway, Idaho Falls, ID 83402.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Pence, Federal Coordinator, Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS–1203, Idaho Falls, Idaho 83415. Phone (208) 526–6518; Fax (208) 526–8789 or email: *pencerl@id.doe.gov* or visit the Board's Internet home page at: *http://inlcab.energy.gov/*.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Topics (agenda topics may change up to the day of the meeting; please contact Robert L. Pence for the most current agenda):

- Recent Public Involvement
- Idaho Cleanup Project Progress to Date (Including status updates on Transuranic Waste, Spent Nuclear Fuel, and the Integrated Waste Treatment Unit)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Groundwater Focus
- DOE's Contractor Incentive and Ratings Process
- Land Use and Long-Term Stewardship
- Fiscal Year 2014/2015 Mission Vision

*Public Participation:* The EM SSAB, Idaho National Laboratory, 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 Robert L. Pence at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Robert L. Pence at the address or telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Robert L. Pence, Federal Coordinator, at the address and phone number listed above. Minutes will also be available at the following Web site: *http://inlcab.energy.gov/pages/meetings.php.*

Issued at Washington, DC, on January 23, 2014.

**Carol A. Matthews,**

*Committee Management Officer.*

[FR Doc. 2014–01714 Filed 1–28–14; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–2564–003; ER10–2600–003; ER10–2289–003.

*Applicants:* UNS Electric, Inc., Tucson Electric Power Company, UniSource Energy Development Company.

*Description:* Notice of Change in Status of Tucson Electric Power Company, *et al.*

*Filed Date:* 1/21/14.

*Accession Number:* 20140121–5242.

*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER10–2984–015.

*Applicants:* Merrill Lynch Commodities, Inc.

*Description:* Notice of Non-Material Change in Status of Merrill Lynch Commodities, Inc.

*Filed Date:* 1/21/14.

*Accession Number:* 20140121–5126.

*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER13–1758–000.

*Applicants:* San Joaquin Cogen, LLC.

*Description:* Supplement to June 24, 2013 San Joaquin Cogen, LLC Triennial & Tariff Revision filing.

*Filed Date:* 1/17/14.

*Accession Number:* 20140117–5339.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–248–002.
*Applicants:* Dynegy Oakland, LLC.
*Description:* Amended Filing—Request for Commission Action to be effective 1/21/2014.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5018.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1089–000.
*Applicants:* Southern California Edison Company.
*Description:* Amendment to Exhibit A of Distribution Service Agreement with SCE–RAP for CREST to be effective 12/15/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5318.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1090–000.
*Applicants:* Entergy Gulf States Louisiana, L.L.C.
*Description:* Entergy System Agreement Compliance to be effective 12/19/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5325.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1091–000.
*Applicants:* Entergy Louisiana, LLC.
*Description:* Entergy System Agreement Compliance to be effective 12/19/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5328.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1092–000.
*Applicants:* Entergy Mississippi, Inc.
*Description:* Entergy System Agreement Compliance to be effective 12/19/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5331.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1093–000.
*Applicants:* Entergy New Orleans, Inc.
*Description:* Entergy System Agreement Compliance to be effective 12/19/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5332.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1094–000.
*Applicants:* Entergy Texas, Inc.
*Description:* Entergy System Agreement Compliance to be effective 12/19/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5333.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1095–000.
*Applicants:* Southern California Edison Company.
*Description:* GIA & Distr Serv Agmt for CalWind Resources, Inc. for EKWRA Project to be effective 12/15/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5334.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1096–000.
*Applicants:* NorthWestern Corporation.
*Description:* Order No. 784 Compliance Filing (MBR Tariff) to be effective 3/18/2014.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5000.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1097–000.
*Applicants:* Entergy Arkansas, Inc.
*Description:* EAI Filing of Executed WDS Agreements to be effective 12/19/2013.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5001.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1098–000.
*Applicants:* Montana Generation, LLC.
*Description:* Order No. 784 Compliance Filing to be effective 3/18/2014.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5002.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1099–000.
*Applicants:* Westar Energy, Inc.
*Description:* Revision BPU McPherson Electric Interconnection Agreement to be effective 3/1/2014.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5003.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1100–000.
*Applicants:* Entergy Arkansas, Inc.
*Description:* Entergy System Agreement Compliance to be effective 12/18/2013.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5004.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1101–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* 2638 Prairie Wind Transmission and OG&E Interconnection Agreement to be effective 12/31/9998.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5006.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1102–000.
*Applicants:* Northern States Power Company, a Minnesota corporation.
*Description:* 2014–1–21_NSP–CAPX–CMA-Brookings-0.1.0-filing to be effective 1/1/2014.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5007.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1103–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* 2548R5 KMEA and Westar Energy Meter Agent Agreement to be effective 1/1/2014.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5012.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1104–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* 2564R1 City of Chanute & Westar Energy Meter Agent Agreement to be effective 1/1/2014.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5014.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1105–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* 1374R17 Kansas Power Pool and Westar Meter Agent Agreement to be effective 1/1/2014.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5017.
*Comments Due:* 5 p.m. ET 2/11/14.

*Docket Numbers:* ER14–1106–000.
*Applicants:* Duke Energy Carolinas, LLC.
*Description:* OATT Amended Attachment F–2 NITSA to be effective 1/1/2014.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5020.
*Comments Due:* 5 p.m. ET 2/11/14.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES14–12–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* Supplement to November 21, 2103 Application of Southwest Power Pool, Inc. Under Section 204 of the Federal Power Act for an Order Authorizing the Issuance of Securities under ES14–12.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5021.
*Comments Due:* 5 p.m. ET 1/27/14

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/*

*docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 22, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–01730 Filed 1–28–14; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER14–1107–000.
*Applicants:* Southern California Edison Company.
*Description:* SGIA and Distribution Service Agreement with CAL SP VII LLC to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5000.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1108–000.
*Applicants:* Southern California Edison Company.
*Description:* GIA & Distribution Service Agmt with Victorville Landfill Solar, L.P. to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5002.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1109–000.
*Applicants:* Foote Creek II, LLC.
*Description:* First Revised MBR Tariff to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5042.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1110–000.
*Applicants:* Foote Creek III, LLC.
*Description:* First Revised MBR Tariff to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5043.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1111–000.
*Applicants:* Foote Creek IV, LLC.
*Description:* First Revised MBR Tariff to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5044.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1112–000.
*Applicants:* Ridge Crest Wind Partners, LLC.
*Description:* First Revised MBR Tariff to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5045.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1113–000.
*Applicants:* Badger Creek Limited.
*Description:* Second Revised MBR to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5046.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1114–000.
*Applicants:* Double ''C'' Limited.
*Description:* Second Revised MBR to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5047.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1115–000.
*Applicants:* High Sierra Limited.
*Description:* Second Revised MBR to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5048.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1116–000.
*Applicants:* Kern Front Limited.
*Description:* Second Revised MBR to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5049.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1117–000.
*Applicants:* Michigan Power Limited Partnership.
*Description:* Fifth Revised MBR Tariff to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5050.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1118–000.
*Applicants:* ArcLight Energy Marketing, LLC.
*Description:* 4th Revised MBR to be effective 3/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5051.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1119–000.
*Applicants:* Blue Canyon Windpower LLC.
*Description:* 3rd Revised MBR to be effective 3/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5052.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1120–000.
*Applicants:* Blue Canyon Windpower II LLC.
*Description:* 3rd Revised MBR to be effective 3/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5054.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1121–000.
*Applicants:* Blue Canyon Windpower V LLC.
*Description:* 3rd Revised MBR to be effective 3/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5055.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1122–000.
*Applicants:* Blue Canyon Windpower VI LLC.
*Description:* 2nd Revised MBR to be effective 3/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5056.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1123–000.
*Applicants:* Cloud County Wind Farm, LLC.
*Description:* 3rd Revised MBR to be effective 3/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5057.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1124–000.
*Applicants:* Sustaining Power Solutions LLC.
*Description:* 2nd Revised MBR to be effective 3/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5059.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1125–000.
*Applicants:* New York Independent System Operator, Inc.
*Description:* Request for Temporary Waiver of Tariff Provisions and for Expedited Commission Acction of New York Independent System Operator, Inc.
*Filed Date:* 1/21/14.
*Accession Number:* 20140121–5244.
*Comments Due:* 5 p.m. ET 1/31/14.

*Docket Numbers:* ER14–1126–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* Request for Recovery of Charges in Accordance with Open Access Transmission Tariff Attachment AP of Southwest Power Pool, Inc.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5090.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1127–000.
*Applicants:* Bayou Cove Peaking Power, LLC.
*Description:* Bayou Cove Compliance Filing to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5098.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1128–000.
*Applicants:* Big Cajun I Peaking Power LLC.
*Description:* Big Cajun Compliance Filing to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5101.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1129–000.
*Applicants:* Energy Alternatives Wholesale, LLC.
*Description:* Energy Alternatives Compliance Filing to be effective 1/23/2014.
*Filed Date:* 1/22/14.

*Accession Number:* 20140122–5104.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1130–000.
*Applicants:* Louisiana Generating LLC.
*Description:* Louisiana Generating Compliance Filing to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5105.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1131–000.
*Applicants:* NRG Sterlington Power LLC.
*Description:* Sterlington Compliance Filing to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5106.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1132–000.
*Applicants:* NRG Wholesale Generation LP.
*Description:* Wholesale Compliance Filing to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5109.
*Comments Due:* 5 p.m. ET 2/12/14.

*Docket Numbers:* ER14–1133–000.
*Applicants:* Cottonwood Energy Company LP.
*Description:* Cottonwood Compliance Filing to be effective 1/23/2014.
*Filed Date:* 1/22/14.
*Accession Number:* 20140122–5119.
*Comments Due:* 5 p.m. ET 2/12/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 22, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–01731 Filed 1–28–14; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC14–43–000.
*Applicants:* Wolverine Power Supply Cooperative, Inc.
*Description:* Application for Authorization for Disposition of Jurisdictional Facilities Pursuant to Federal Power Act Section 203, and Request for Expedited Treatment and Limited Waivers of Wolverine Power Supply Cooperative, Inc.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5176.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* EC14–44–000.
*Applicants:* Longview Power, LLC.
Description: Application under Section 203 of Longview Power, LLC.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5266.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* EC14–45–000.
*Applicants:* Verso Bucksport Power LLC, Hydro-Quebec.
*Description:* Application For Authorization Pursuant to Section 203 of the Federal Power Act and Requests for Confidential Treatment, Expedited Consideration and Waivers of Verso Bucksport Power LLC, et. al.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5271.
*Comments Due:* 5 p.m. ET 2/7/14.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER11–2211–003; ER11–2209–003; ER11–2210–003; ER11–2207–003; ER11–2206–003; ER10–3244–002; ER11–2843–002; ER13–1586–001; ER10–1992–007.
*Applicants:* Alta Wind I, LLC, Alta Wind II, LLC, Alta Wind III, LLC, Alta Wind IV, LLC, Alta Wind V, LLC, Alta Wind X, LLC, Alta Wind XI, LLC, Coso Geothermal Power Holdings, LLC, Oak Creek Wind Power, LLC, TGP Energy Management, LLC, Victory Garden Phase IV, LLC.
*Description:* Notice of Non-Material Change in Status of Alta Wind I, LLC, et. al.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5300.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER13–2490–003.
*Applicants:* Simon Solar Farm, LLC.
*Description:* Name Change/Correction—Supplemental Information to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5234.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1044–000.
*Applicants:* Emera Energy U.S. Subsidiary No. 2, Inc.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5155.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1045–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Original Service Agreement No. 3740; Queue No. X1–110 to be effective 12/23/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5158.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1046–000.
*Applicants:* Rumford Power Inc.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5167.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1047–000.
*Applicants:* Tiverton Power LLC.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5174.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1048–000.
*Applicants:* Public Service Company of New Mexico.
*Description:* Aragonne TSA's to be effective 1/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5183.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1049–000.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* 2014–01–17 ER14–106–001_Gaming Filing Compliance to be effective 10/17/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5186.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1050–000.
*Applicants:* ISO New England Inc., New England Power Pool Participants Committee.
*Description:* Performance Incentives Market Rule Changes—Part 1 of 2 to be effective 6/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5190.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1050–001.
*Applicants:* ISO New England Inc., New England Power Pool Participants Committee.

*Description:* Performance Incentives Market Rule Changes—Part 2 of 2 to be effective 6/1/2018.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5260.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1051–000.
*Applicants:* Southern California Edison Company.
*Description:* Amendment to Distribution Service Agmt for SCE–QF Resources to be effective 12/15/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5191.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1052–000.
*Applicants:* Alcoa Power Generating Inc.
*Description:* Request for Waiver of the Order No. 1000 Transmission Planning Requirements [complying with order in ER13–88] of Alcoa Power Generating Inc.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5196.
*Comments Due:* 5 p.m. ET 2/17/14.

*Docket Numbers:* ER14–1053–000.
*Applicants:* Plum Point Energy Associates, LLC.
*Description:* Notice of Non-Material Change in Status to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5198.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1054–000.
*Applicants:* Plum Point Services Company, LLC.
*Description:* Notice of Non-Material Change in Status to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5200.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1055–000.
*Applicants:* PacifiCorp.
*Description:* Iberdrola NITSA Rev 1 to be effective 1/6/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5201.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1056–000.
*Applicants:* Duke Energy Beckjord, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5204.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1057–000.
*Applicants:* Duke Energy Commercial Asset Management, Inc.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5207.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1058–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* 2652 Waverly Wind GIA; Cancellation of 2501 Waverly Wind GIA to be effective 12/30/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5208.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1059–000.
*Applicants:* Duke Energy Commercial Enterprises, Inc.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5209.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1060–000.
*Applicants:* Duke Energy Conesville, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5211.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1061–000.
*Applicants:* Duke Energy Dicks Creek, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5218.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1062–000.
*Applicants:* Duke Energy Fayette II, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5219.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1063–000.
*Applicants:* Duke Energy Hanging Rock II, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5220.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1064–000.
*Applicants:* Duke Energy Kentucky, Inc.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5222.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1065–000.
*Applicants:* Duke Energy Killen, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5223.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1066–000.
*Applicants:* Duke Energy Lee II, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5224.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1067–000.
*Applicants:* Duke Energy Miami Fort, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5226.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1068–000.
*Applicants:* Duke Energy Piketon, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5232.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1069–000.
*Applicants:* Duke Energy Retail Sales, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5236.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1070–000.
*Applicants:* Duke Energy Stuart, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5237.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1071–000.
*Applicants:* Duke Energy Washington II, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5239.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1072–000.
*Applicants:* Duke Energy Zimmer, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5243.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1073–000.
*Applicants:* Laurel Hill Wind Energy, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5245.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1074–000.
*Applicants:* North Allegheny Wind, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5246.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1075–000.

*Applicants:* CinCap V, LLC.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5247.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1076–000.
*Applicants:* Duke Energy Ohio, Inc.
*Description:* Duke Northeast Triennial Filing to be effective 3/1/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5255.
*Comments Due:* 5 p.m. ET 3/18/14.

*Docket Numbers:* ER14–1077–000.
*Applicants:* Victory Garden Phase IV, LLC.
*Description:* First Revised MBR Tariff to be effective 3/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5278.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1078–000.
*Applicants:* Alta Wind I, LLC.
*Description:* Second Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5279.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1079–000.
*Applicants:* Alta Wind II, LLC.
*Description:* Second Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5280.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1080–000.
*Applicants:* Alta Wind III, LLC.
*Description:* Second Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5283.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1081–000.
*Applicants:* Alta Wind IV, LLC.
*Description:* Second Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5284.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1082–000.
*Applicants:* Alta Wind V, LLC.
*Description:* Second Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5285.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1083–000.
*Applicants:* Alta Wind X, LLC.
*Description:* First Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5288.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1084–000.
*Applicants:* Alta Wind XI, LLC.
*Description:* First Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5290.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1085–000.
*Applicants:* Chandler Wind Partners, LLC.
*Description:* 2nd Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5294.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1086–000.
*Applicants:* Coso Geothermal Power Holdings, LLC.
*Description:* 2nd Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5295.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1087–000.
*Applicants:* Oak Creek Wind Power, LLC.
*Description:* 2nd Revised MBR to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5296.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1088–000.
*Applicants:* TGP Energy Management, LLC.
*Description:* First Revised MBR Tariff to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5297.
*Comments Due:* 5 p.m. ET 2/7/14.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES14–22–000.
*Applicants:* Southern Indiana Gas & Electric Company, Inc.
*Description:* Application for Authority to Issue Short-Term Debt of Southern Indiana Gas & Electric Company.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5227.
*Comments Due:* 5 p.m. ET 2/7/14.

Take notice that the Commission received the following land acquisition reports:

*Docket Numbers:* LA13–4–000.
*Applicants:* Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Power Company.
*Description:* Quarterly Land Acquisition Report of the Southern Companies.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5273.
*Comments Due:* 5 p.m. ET 2/7/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 17, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–01679 Filed 1–28–14; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–2124–006; ER10–2125–007; ER10–2127–005; ER10–2128–006; ER10–2129–005; ER10–2130–006; ER10–2131–006; ER10–2132–006; ER10–2133–006; ER10–2134–004; ER10–2135–005; ER10–2136–005; ER10–2137–006; ER10–2138–006; ER10–2139–006; ER10–2140–006; ER10–2141–006; ER10–2764–006; ER11–3872–007; ER11–4044–007; ER11–4046–006; ER12–161–005; ER12–164–005; ER12–645–007; ER14–25–002.
*Applicants:* Spring Canyon Energy LLC, Judith Gap Energy LLC, Invenergy TN LLC, Wolverine Creek Energy LLC, Grays Harbor Energy LLC, Forward Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy V LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Willow Creek Energy LLC, Hardee Power Partners Limited, Spindle Hill Energy LLC, Invenergy Cannon Falls LLC, Beech Ridge Energy LLC, Vantage Wind Energy LLC, Stony Creek Energy LLC, Gratiot County Wind II LLC, Gratiot County Wind LLC, Bishop Hill Energy LLC, Bishop Hill Energy III LLC, California Ridge Wind Energy LLC, Prairie Breeze Wind Energy LLC.
*Description:* Notification of Change in Facts of Spring Canyon Energy LLC, et. al.

*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5107.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER10–2374–004; ER10–1533–005.
*Applicants:* Puget Sound Energy, Inc., Macquarie Energy LLC.
*Description:* Second Amendment to June 28, 2013 Triennial Updated Market Power Analysis in the Northwest Region of Puget Sound Energy, Inc., et. al.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5127.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER10–2718–016; ER10–2719–016.
*Applicants:* EAST COAST POWER LINDEN HOLDINGS, LLC, Cogen Technologies Linden Venture, L.P.
*Description:* Notice of Non-Material Change in Status of Cogen Technologies Linden Venture, L.P., et. al.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5152.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER11–2447–002.
*Applicants:* Pacific Northwest Generating Cooperative.
*Description:* Updated Market Power Analysis of Pacific Northwest Generating Cooperative, Inc. under ER11–2447.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5153.
*Comments Due:* 5 p.m. ET 3/17/14.

*Docket Numbers:* ER11–3859–007; ER13–2477–002; ER10–1946–005; ER11–3863–006; ER13–2476–002; ER11–3861–006; ER11–3864–007; ER13–2475–002; ER11–3866–007; ER12–192–005; ER11–3867–007; ER11–3857–007; ER11–4266–006.
*Applicants:* Brayton Point Energy, LLC, Broad River Energy LLC, Dighton Power, LLC, ELWOOD ENERGY LLC, Empire Generating Co, LLC, EquiPower Resources Management, LLC, Kincaid Generation, L.L.C., Lake Road Generating Company, L.P., Liberty Electric Power, LLC, MASSPOWER, Milford Power Company, LLC, Richland-Stryker Generation LLC.
*Description:* Notice of Change in Status of the ECP MBR Sellers.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5142.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER13–1654–002.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* PJM response to FERC Staff Request for Add'l Inform Dec 18 2013–ER13–1654–001 to be effective N/A.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5126.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER13–1877–001.
*Applicants:* ISO New England Inc., New England Power Pool Participants Committee.
*Description:* Compliance ER13–1877—Energy Mkt Flex Chges to be effective 12/3/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5020.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1003–001.
*Applicants:* Berry Petroleum Company.
*Description:* Notice of Non-Material Change in Status of Berry Petroleum Company.
*Filed Date:* 1/15/14.
*Accession Number:* 20140115–5196.
*Comments Due:* 5 p.m. ET 2/5/14.

*Docket Numbers:* ER14–1008–000.
*Applicants:* AEP Texas Central Company.
*Description:* TCC–OCI Alamo 4 Interconnection Agreement to be effective 12/26/2013.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5090.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER14–1009–000.
*Applicants:* AEP Texas North Company.
*Description:* TNC-Barilla Solar Interconnection Agreement to be effective 12/26/2013.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5093.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER14–1010–000.
*Applicants:* NorthWestern Corporation.
*Description:* SA 708—Calumet Montana Refining Construction Agreement to be effective 1/17/2014.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5105.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER14–1011–000.
*Applicants:* Duke Energy Progress, Inc.
*Description:* OATT Camden NITSA SA 309 to be effective 1/1/2014.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5111.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER14–1012–000.
*Applicants:* Portland General Electric Company.
*Description:* Service Agreements Under the PGE OATT to be effective 1/1/2014.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5114.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER14–1013–000.
*Applicants:* Entergy Gulf States Louisiana, L.L.C.
*Description:* EGSL-LaGen Big Cajun II LGIA to be effective 12/16/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5000.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1014–000.
*Applicants:* Bridgeport Energy LLC.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5022.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1015–000.
*Applicants:* Your Energy Holdings, LLC.
*Description:* Notice of Cancellation of Market Based Rate Tariff and Request for Waiver of Form 566 filing of Your Energy Holdings, LLC.
*Filed Date:* 1/16/14.
*Accession Number:* 20140116–5151.
*Comments Due:* 5 p.m. ET 2/6/14.

*Docket Numbers:* ER14–1016–000.
*Applicants:* Stony Creek Energy LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5032.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1017–000.
*Applicants:* Bishop Hill Energy III LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5034.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1018–000.
*Applicants:* Bishop Hill Energy LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5035.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1019–000.
*Applicants:* Gratiot County Wind LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5036.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1020–000.
*Applicants:* Gratiot County Wind II LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5037.
*Comments Due:* 5 p.m. ET 2/7/14.

*Docket Numbers:* ER14–1021–000.
*Applicants:* Invenergy Cannon Falls LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.

*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5038.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1022–000.
*Applicants:* California Ridge Wind Energy LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5040.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1023–000.
*Applicants:* Forward Energy LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5045.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1024–000.
*Applicants:* Grand Ridge Energy V LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5046.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1025–000.
*Applicants:* Grand Ridge Energy III LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5047.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1026–000.
*Applicants:* Grand Ridge Energy II LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5048.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1027–000.
*Applicants:* Grand Ridge Energy IV LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5049.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1028–000.
*Applicants:* Grand Ridge Energy LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5050.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1029–000.
*Applicants:* Sheldon Energy LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5051.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1030–000.
*Applicants:* Beech Ridge Energy LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5052.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1031–000.
*Applicants:* Invenergy TN LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5053.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1032–000.
*Applicants:* Prairie Breeze Wind Energy LLC.
*Description:* Revised Market-Based Rate Tariff Filing to be effective 1/18/2014.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5054.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1033–000.
*Applicants:* Emera Energy Services, Inc.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5073.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1034–000.
*Applicants:* Emera Energy Services Subsidiary No. 3 L.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5098.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1035–000.
*Applicants:* Emera Energy Services Subsidiary No. 4 L.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5104.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1036–000.
*Applicants:* Emera Energy Services Subsidiary No. 5 L.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5112.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1037–000.
*Applicants:* Emera Energy Services Subsidiary No. 6 L.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5113.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1038–000.
*Applicants:* Emera Energy Services Subsidiary No. 7 L.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5114.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1039–000.
*Applicants:* Emera Energy Services Subsidiary No. 8 L.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5115.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1041–000.
*Applicants:* Emera Energy Services Subsidiary No. 9 L.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5128.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1042–000.
*Applicants:* Emera Energy Services Subsidiary No. 10.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5150.
*Comments Due:* 5 p.m. ET 2/7/14.
*Docket Numbers:* ER14–1043–000.
*Applicants:* Emera Energy U.S. Subsidiary No. 1, Inc.
*Description:* Filing in Compliance with Order No. 784 to be effective 11/27/2013.
*Filed Date:* 1/17/14.
*Accession Number:* 20140117–5153.
*Comments Due:* 5 p.m. ET 2/7/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing

requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 17, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–01678 Filed 1–28–14; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff will attend the following meeting related to the Midcontinent Independent System Operator, Inc. (MISO)—PJM Interconnection, L.L.C. (PJM) Joint and Common Market Initiative (Docket No. AD14–3–000):

MISO/PJM Joint Stakeholder Meeting—January 24, 2014

The above-referenced meeting will be held at:

PJM Interconnection Conference & Training Center, 2750 Monroe Blvd., Audubon, PA 19403

The above-referenced meeting is open to the public.

Further information may be found at *www.misoenergy.org.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

*Docket No. EL13–47, FirstEnergy Solutions Corp. and Allegheny Energy Supply Company, LLC* v. *PJM Interconnection, L.L.C.*

Docket No. ER14–503, PJM Interconnection, L.L.C.

Docket No. ER14–876, Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.

Docket No. ER14–862, Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.

*Docket No. EL13–88, Northern Indiana Public Service Company* v. *Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.*

Docket No. ER13–2233, Midcontinent Independent System Operator, Inc.

Docket No. ER14–381, PJM Interconnection, L.L.C.

For more information, contact Mary Cain, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission at (202) 502–6337 or *mary.cain@ferc.gov.*

Dated: January 22, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–01653 Filed 1–28–14; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice Of Commissioner and Staff Attendance at North American Electric Reliability Corporation Meetings

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and/or Commission staff may attend the following meetings:

North American Electric Reliability Corporation

Member Representatives Committee and Board of Trustees Meetings

Board of Trustees Corporate Governance and Human Resources Committee, Compliance Committee, and Standards Oversight and Technology Committee Meetings

The Arizona Grand Resort, 8000 S. Arizona Grand Parkway, Phoenix, Arizona 85004

**February 5 (7:00 a.m.–5:30 p.m.) and February 6 (8:30 a.m.–12:00 p.m.), 2014**

Further information regarding these meetings may be found at: *http://www.nerc.com/Pages/Calendar.aspx.*

The discussions at the meetings, which are open to the public, may address matters at issue in the following Commission proceedings:

Docket No. RR13–9, North American Electric Reliability Corporation

Docket No. RD14–2, North American Electric Reliability Corporation

For further information, please contact Jonathan First, 202–502–8529, or *jonathan.first@ferc.gov.*

Dated: January 22, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–01652 Filed 1–28–14; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2013–0287; FRL–9905–86–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Pesticide Registration Fees Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has submitted the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: ''Pesticide Registration Fees Program'' (EPA ICR No. 2330.02, OMB Control No. 2070–0179). This is a request to renew an existing collection. The ICR, which is abstracted below, describes the nature of the information collection activity and its expected burden and costs. Copies of the ICR and related documents are available in the docket.

**DATES:** Additional comments may be submitted on or before February 28, 2014.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OPP–2013–0287, to (1) EPA online using *www.regulations.gov* (our preferred method), 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.

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.*

**FOR FURTHER INFORMATION CONTACT:** Cameo G. Smoot, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460;

telephone number: (703) 305–5454; fax number: (703) 305–5884; email address: *smoot.cameo @epa.gov.*

**SUPPLEMENTARY INFORMATION:** EPA submitted the following ICR to OMB for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and the procedures in 5 CFR 1320.12. *Prior Public Notice:* Pursuant to 5 CFR 1320.8(d), EPA announced and provided a 60-day public comment period on the information collection activities as described in this ICR (78 FR 36774, June 19, 2013). EPA received two public comments which are posted in the docket EPA–HQ–OPP–2013–0287 for this action. This notice allows for an additional 30 days for public comments.

*ICR Status:* This is a renewal for a currently approved ICR. This ICR is currently scheduled to expire on February 28, 2014. Under the PRA, an Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9 and are included on the related collection instrument or form, if applicable.

*Abstract:* Pesticide registrants are required by statute to pay an annual registration maintenance fee for all products registered under Section 3 and Section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). In addition, the Pesticide Registration Improvement Act (PRIA) amended FIFRA in 2004 to create a registration service fee system for applications for specific pesticide registration, amended registration, and associated tolerance actions (Section 33). This ICR specifically covers the activities related to the collection of the annual registration maintenance fees, the registration service fees and the burden associated with the submission of requests for fees to be waived.

*Form Numbers:* EPA Form 8570–30—Pesticide Registration Fee Filing Form.

*Respondents/affected entities:* Entities potentially affected by this ICR are pesticide and other agricultural chemical manufacturers, other basic inorganic chemical manufacturers, other basic organic chemical manufacturers, and regulators of agricultural marketing commodities.

*Respondent's obligation to respond:* Responses to this collection of information are required to obtain or retain a benefit (i.e., registration of a pesticide).

*Estimated number of respondents:* 1744

*Frequency of response:* Annual and on occasion.

*Total estimated annual burden:* 7,907 hours. Burden is defined at 5 CFR 1320.3(b).

*Total estimated annual cost:* $535,728 For both programs.

*Changes in the Estimates:* The total annual respondent burden increased by 342 hours for the Pesticide Product Maintenance fees program and also increased 303 hours for the Pesticide Registration Service Fee waivers compared with that identified in the ICR currently approved by OMB. This increase reflects a slight increase in the number of requests submitted to the agency. This change is an adjustment.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. 2014–01665 Filed 1–28–14; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OW–2005–0023; FRL 9905–74–OEI]**

## Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Clean Water Act Section 404 State-Assumed Programs (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), ''Clean Water Act Section 404 State-Assumed Programs (Renewal)'' 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, 2014. Public comments on the ICR renewal were requested via the **Federal Register** (78 FR 62629) published on October 22, 2013, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before February 28, 2014.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OW–2005–0023, to (1) EPA online using *www.regulations.gov* (our preferred method), by email *ow-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:** Kathy Hurld, Office of Wetlands, Oceans, and Watersheds, Wetlands Division (4502T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–566–1348; fax number: 202–566–1349; email address: *hurld.kathy@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.*

*EPA ICR Number:* 0220.12.

*OMB Control Number:* 2040–0168.

*Abstract:* Section 404(g) of the Clean Water Act (CWA) authorizes States [and Tribes] to assume the section 404 permit program for discharges of dredged or fill material into certain Waters of the U.S. This ICR covers the collection of information EPA needs to perform its program approval and oversight responsibilities and the State/Tribe needs to establish and implement its program.

*Form Numbers:* None.

*Respondents/affected entities:* Entities potentially affected by this action are those States/Tribes requesting assumption of the CWA section 404 permit program; States/Tribes with approved assumed programs; and permit applicants in States/Tribes with assumed programs.

*Respondent's obligation to respond:* Required to obtain or retain a benefit (40 CFR 233).

*Estimated number of respondents:* EPA anticipates 2 States/Tribes will

request program assumption; there will be approximately 14,000 permit applications (3,500 applications per state); and 4 States/Tribes which have assumed the program (the two current programs and potentially two who may be approved under this ICR) which will submit an annual report.

*Frequency of response:* States/Tribes will respond one time to request assumption and once the program is approved they will respond annually for the annual permit and annual report; permit applicants will respond one time when requesting a permit.

*Total estimated burden:* The public reporting and recordkeeping burden for this collection of information is estimated to be 90,960 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* Costs to states for assumed Section 404 permit programs will vary widely by state and permit, however there are $0 capital or operation & maintenance costs.

*Changes in the Estimates:* There is a decrease of 10,400 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is because the estimated number of permits reviewed by a state per year decreased. This decrease is based on the experience of the state of New Jersey, due in part to a change in the economy and to a recalculation in the number of permits estimated. There was an increase in the number of hours spent reviewing each permit, due to an increase in the number of times applicants requested a review of mitigation options. The estimate used here is a weighted average of Michigan's and New Jersey's estimates.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. 2014–01666 Filed 1–28–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2007–0468; FRL–9905–38–OEI]**

## Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), ''Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Renewal)'' (EPA ICR No. 1808.07, OMB Control No. 2020–0007) 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 March 31, 2014. Public comments were previously requested via the **Federal Register** (78 FR 57847) on September 20, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before February 28, 2014.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA–HQ–OECA–2007–0468, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Julie Roemele, Office of Federal Activities, Mail Code 2252A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–5632; fax number: (202) 564–0072; email address: *roemele.julie@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 *www.epa.gov/dockets.*

*EPA ICR #:* 1808.07.

*OMB Control #:* 2020–0007.

*Abstract:* The Environmental Protection Agency's (EPA's) regulations at 40 CFR part 8, Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Rule), were promulgated pursuant to the Antarctic Science, Tourism, and Conservation Act of 1996 (Act), 16 U.S.C. 2401 *et seq.,* as amended, 16 U.S.C. 2403a, which implements the Protocol on Environmental Protection (Protocol) to the Antarctic Treaty of 1959 (Treaty). The Rule provides for assessment of the environmental impacts of nongovernmental activities in Antarctica, including tourism, for which the United States is required to give advance notice under Paragraph 5 of Article VII of the Treaty, and for coordination of the review of information regarding environmental impact assessments received from other Parties under the Protocol. Persons subject to the Rule must prepare environmental documentation to support the operator's determination regarding the level of environmental impact of the proposed expedition. The Protocol and the Rule also require an operator to employ procedures to assess and provide a regular and verifiable record of the actual impacts of an activity which proceeds on the basis of an Initial Environmental Evaluation (IEE) or Comprehensive Environmental Evaluation (CEE).

*Form Numbers:* None.

*Respondents/affected entities:* Private operators.

*Respondent's obligation to respond:* Mandatory (40 CFR part 8).

*Estimated number of respondents:* 18.

*Frequency of response:* Annual.

*Total estimated burden:* 1,254 hours.

*Total estimated cost:* $100,575 (per year) includes $3,390 annualized capital or operation & maintenance costs.

*Changes in Estimates:* There is a decrease of 454 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is the result of a change to the level of environmental documentation EPA anticipates the operators will submit as well as an anticipated decrease of operators submitting documentation.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. 2014–01667 Filed 1–28–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2013–0676; FRL–9903–12]**

## Pesticides; Consideration of Spray Drift in Pesticide Risk Assessment: Notice of Availability and Request for Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is announcing the availability of two draft guidance documents for public comment. These documents describe how off-site spray drift will be evaluated for ecological and human health risk assessments for pesticides. Once final, these guidance documents will be posted on EPA's Web site, to ensure consistent risk assessment practices and provide transparency for pesticide registrants and other interested stakeholders.

**DATES:** Comments must be received on or before March 31, 2014.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2013–0676, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:** For the ecological risk assessment guidance document, Faruque Khan, Environmental Fate and Effects Division, (7507P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–6127; email address: *khan.faruque@epa.gov.*

For the human health risk assessment guidance document, Jeff Dawson, Health Effects Division, (7509P), same address; telephone number: (703) 305–7329; email address: *dawson.jeff.@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. General Information

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

Pesticides are regulated under both the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et. seq.,* and section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA) 21 U.S.C. 346a.

*B. Does this action apply to me?*

you may be potentially affected by this action if you are a producer of pesticide products (NAICS 32532), importers of such products, or any person or company who seeks to obtain a tolerance for such a pesticide. The North American Industrial Classification System (NAICS) code is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Other types of entities not listed could also be affected.

*C. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

*D. What action is the Agency taking?*

Pesticide drift can be characterized as the physical movement of a pesticide through the air at the time of application or soon thereafter from the target site to any non- or off-target site. This does not include pesticide movements by erosion, migration, volatility, or windblown soil particles after application. Drift is dependent on the design of application equipment, size of spray droplets or dry particles, weather conditions, and other factors.

Once off-target, pesticide drift can potentially deposit in unintended areas or directly onto people or nontarget species. To provide guidance to EPA staff and stakeholders, EPA has developed two documents describing EPA's approach to assessing pesticide drift in human health and ecological risk assessments. Both documents are available in the docket for this action using the docket identifier EPA–HQ–OPP–2013–0676.

- Guidance on Modeling Offsite Deposition of Pesticides via Spray Drift for Ecological and Drinking Water Assessments for the Environmental Fate and Effects Division (Draft dated 11/1/2013) (Ref. 1), and
- Residential Exposure Assessment Standard Operating Procedures (SOPs), Addenda 1: Consideration of Spray Drift (Draft dated 11/1/2013) (Ref. 2).

The draft Ecological and Drinking Water Assessment Guidance provides information on estimating spray drift fractions of liquid sprays for modeling offsite deposition of a pesticide for ecological and drinking water assessment and on estimating distances from the treated field where adverse effects may be observed due to exposure to spray drift. The draft guidance also provides default assumptions for modeling inputs to use when estimating spray drift in terrestrial and aquatic assessments.

The Residential Exposure Addenda describes a screening approach for defining when assessments are needed and the methodology for estimating risks for indirect exposures to pesticide drift, such as children playing on a lawn that has pesticide residues that drifted from a nearby treated field. The draft

guidance describes when quantitative risk assessments for spray drift are generally needed, and also provides the modeling inputs needed to complete the exposure and risk assessments.

EPA expects the model-generated values for spray drift fractions to provide realistic exposure and risk estimates for both ecological and human health assessments. These policies will promote consistency within EPA, as well as with other federal agencies and international regulatory partners that rely on predicted spray drift values.

## II. Spray Drift Estimates Used for Risk Assessment

EPA uses two peer-reviewed spray drift models (AgDRIFT and AGDISP) to estimate the contribution of spray drift to ecological and human health risk assessments. Both models estimate drift fractions, as applicable to spray of liquid materials. In general, OPP uses the AgDRIFT model to assess spray drift from agricultural applications, whereas AGDISP is used for other types of pesticide applications, such as aerial application of mosquito adulticides. It is noted that AGDISP has limited capability to estimate drift fractions from dry materials application.

EPA has prepared a support document (Ref. 3), which is available in the docket for this action, explaining the scientific basis for AgDRIFT and AGDISP, and providing information on this harmonized approach for estimating spray drift fractions.

## III. Consideration of Spray Drift in Ecological Risk Assessment

To enhance consistency and provide more realistic risk estimates, the Agency has developed the draft ecological guidance (Ref. 1) to apply a uniform approach for estimating drift fractions for all tiers of ecological risk assessments. Unit III. provides historical information on OPP's approach for estimation of spray drift.

Prior to the adoption of AgDRIFT and AGDISP, for aquatic exposure assessment purposes, default values of 5% were recommended to OPP for use as estimates for the spray drift loading from aerial and air-blast applications to a pond (Ref. 4). However, beginning in the 1990s, OPP's practice was to use default drift values—developed using best professional judgement—of 5% (aerial application), 3% (airblast application), and 1% (ground application) in terrestrial and aquatic assessments. Then, to make more realistic calculations of exposure from spray drift deposition, EPA implemented the use of AgDRIFT model-generated values for spray drift fractions for:

- Screening-level (Tier I) aquatic exposure model GENEEC (GENeric Estimated Exposure Concentration) for ecological exposure assessments, and
- Tier I—FIRST (FQPA Index Reservoir Screening Tool) and Tier II—PRZM (Pesticide Root Zone Model)/EXAMS (Exposure Analysis Modeling System) for drinking water assessments.

However, the practice of using default drift values of 5% (aerial application), 3% (airblast application), and 1% (ground application) in terrestrial and Tier II aquatic assessments continued.

In 2004, EPA staff performed a comparison study of these previously-specified, percentage–based default spray drift deposition levels and AgDRIFT predictions. The comparison indicated these default values can potentially underestimate off-site deposition of spray drift under certain scenarios when compared to model-predicted values (Ref. 5).

Based upon continued model refinements, EPA is now revising its approach for terrestrial and Tier II aquatic assessments. As a result of these revisions, EPA has developed default model input parameters to estimate the spray drift fraction for all tiers of aquatic and terrestrial exposure assessments. Use of these inputs in the AgDRIFT model should result in more realistic estimates of exposure from spray drift deposition for all terrestrial and aquatic environments.

## IV. Consideration of Spray Drift in Human Health Risk Assessment

The draft guidance for considering spray drift in human health risk assessment has been developed as an addendum to the EPA's existing *SOPs For Residential Exposure Assessment (SOPs),* which are available at *http://www.epa.gov/pesticides/science/residential-exposure-sop.html.* EPA routinely uses the SOPs as the basis for evaluating the risks associated with residential exposures to pesticides, including residential turf assessments.

The predominant sources of potential human health risks associated with spray drift is from direct contact with sprays and from contact with contaminated surfaces such as lawns in areas adjacent to pesticide applications. Direct contact with sprays is considered a violation of standard label language, and as applicable, EPA's Worker Protection Standard (40 CFR part 170). This means that direct contact is not evaluated in risk assessment but is addressed through enforcement action against persons not complying with label prohibitions/directions, through applicator education, and through other means. The primary focus on spray drift in the human health risk assessment process is through indirect contact with contaminated surfaces such as lawns. The draft guidance document describes scenarios for which quantitative risk assessments for spray drift would generally be appropriate, and provides the information needed to complete a residential turf assessment using spray drift fractions predicted by AgDRIFT.

Spray drift is governed by a variety of factors which govern how much of the pesticide application deposits on surfaces where contact with residues can eventually lead to indirect exposures (e.g., children playing on lawns that are next to treated fields and where residues have deposited). The potential risk estimates from these residues can be calculated using drift modeling coupled with methods employed for residential risk assessments for turf products. There is a regulatory precedent for this approach as it has been used by the Agency in a number of previous situations that include:

- Response to a petition to cancel 14 pesticides, (69 FR 30042; May 26, 2004; FRL–7355–7),
- Development of buffer zone estimates for two organophosphate insecticides used on orchard crops in the Pacific Northwest, and
- Development of a recent spray drift risk assessment for all uses of an organophosphate insecticide, available at *http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2008-0850-0105.*

Using default assumptions, the AgDRIFT model is used to predict spray drift estimates (similar to the ecological assessment process described in Unit III.) in the absence of application parameters such as droplet size spectrum, release height, wind speed, and percent of swath displacement (i.e., the same Tier 1 input parameters are used to compute drift fractions for both human health and ecological risk assessment). In the human health risk assessment process, deposition estimates are integrated over 50 feet wide lawns to account for the fact that small children can play anywhere on an impacted lawn. In the draft guidance document (Ref. 2), drift estimates are then used to adjust deposition values for the standard methods for evaluating children's exposure from treated turf. Small children are the focus of this methodology because they have the highest exposures. Values are calculated using lawns at different distances away from a treatment area—adjoining it to 300 feet away. Also, additional spray

drift deposition values are included which account for more options available in the AgDRIFT model which allows for flexibility in the risk management process. These include:

- All canopy types for orchard airblast sprayers,
- All boom height and spray quality combinations available for groundboom sprayers, and
- Different options for aircraft including consideration of helicopter use and differing spray qualities (e.g., coarse instead of fine to medium spray quality).

## V. Request for Comment

EPA is providing an opportunity, through this notice, for the public to provide comments and input on any additional information that may impact the Agency's assessment of spray drift in pesticide risk assessments. Specifically included within the Agency's request for comments are the model-generated spray drift values as described in either or both of the draft guidance documents.

With regards to the Ecological and Drinking Water Assessment Guidance, as discussed in Unit III., EPA currently uses spray drift estimates, developed in the 1990s, using best professional judgement: 5% (aerial application), 3% (air-blast application) and 1% (ground application) in selected terrestrial and Tier II aquatic exposure assessments. Based upon continued model refinements, EPA is revising this approach and is beginning to incorporate AgDRIFT model estimates in all tiers for terrestrial and aquatic environments to estimate more realistic exposure from spray drift deposition. This approach is more consistent with current approaches throughout OPP. EPA is seeking comment on this approach.

While EPA does not intend to formally respond to all comments made, comments in response to this notice will be taken into consideration as EPA finalizes these guidance documents. If substantive comments are made that may substantially change the EPA's consideration of spray drift in pesticide risk assessment, EPA will notify the public of these comments and describe how EPA has responded to them.

## VI. References

As indicated under **ADDRESSES**, a docket has been established for this notice under docket ID number EPA–HQ–OPP–2013–0676. The following is a listing of the documents that are specifically referenced in this action. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the persons listed under **FOR FURTHER INFORMATION CONTACT**.


1. USEPA. Guidance on Modeling Offsite Deposition of Pesticides via Spray Drift for Ecological and Drinking Water Assessments for the Environmental Fate and Effects Division (Draft dated 11/1/2013).
2. USEPA. Residential Exposure Assessment Standard Operating Procedures (SOPs), Addenda 1: Consideration of Spray Drift (Draft dated 11/1/2013).
3. USEPA. Use of AgDRIFT and AGDISP in OPP Risk Assessments.
4. RESOLVE. 1992. Improving Aquatic Risk Assessment under FIFRA: Report of the Aquatic Effects Dialogue Group. Published by World Wildlife Fund, Suite 500, 1250 24th Street NW., Washington, DC 20037.
5. Birchfield N B. 2004. Pesticide spray drift and ecological risk assessment in the U.S. EPA: A comparison between current default spray drift deposition levels and AgDRIFT predictions in screening-level risk assessments. Aspects of Applied Biology 71: 125–131.


## List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: January 13, 2014.

**Steve Bradbury,**

*Director, Office of Pesticide Programs.*

[FR Doc. 2014–01234 Filed 1–28–14; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9905–98–OA]**

## Notification of a Public Meeting of the Clean Air Scientific Advisory Committee (CASAC) Ozone Review Panel

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office announces a public meeting of the CASAC Ozone Review Panel to conduct a peer review of three draft EPA documents: (1) *Health Risk and Exposure Assessment for Ozone—Second External Review Draft (January 2014),* (2) *Welfare Risk and Exposure Assessment for Ozone—Second External Review Draft (January 2014)* and (3) *Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards—Second External Review Draft (January 2014).*

**DATES:** The CASAC Ozone Review Panel meeting will be held on Tuesday, March 25, 2014 from 9:00 a.m. to 5:30 p.m. (Eastern Time), Wednesday, March 26, 2014 from 8:30 a.m. to 5:30 p.m. (Eastern Time) and on Thursday, March 27, 2014 from 8:30 a.m. to 1:00 p.m. (Eastern Time).

**ADDRESSES:** The public meeting will be held at the Carolina Inn at 211 Pittsboro St., Chapel Hill, NC 27516.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public who wants further information concerning the public meeting may contact Dr. Holly Stallworth, Designated Federal Officer (DFO), via telephone at (202) 564–2073 or email at *stallworth.holly@epa.gov*. General information concerning the CASAC can be found on the EPA Web site at *http://www.epa.gov/casac*.

**SUPPLEMENTARY INFORMATION:** The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409D(d)(2), to provide advice, information, and recommendations to the Administrator on the scientific and technical aspects of issues related to the criteria for air quality standards, research related to air quality, sources of air pollution, and the strategies to attain and maintain air quality standards and to prevent significant deterioration of air quality. The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Pursuant to FACA and EPA policy, notice is hereby given that the chartered CASAC augmented with additional experts, known as the CASAC Ozone Review Panel, will hold a public meeting to peer review EPA's draft documents referenced above. These EPA draft documents are prepared as part of the agency's review of the National Ambient Air Quality Standards (NAAQS) for ozone.

Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including ozone. EPA is currently reviewing the primary (health-based) and secondary (welfare-based) NAAQS for ozone. The CASAC previously reviewed EPA's *Health Risk and Exposure Assessment for Ozone (First External Review Draft—Updated August 2012)* and *Welfare Risk and Exposure Assessment for Ozone (First External Review Draft—Updated August 2012).* CASAC's comments on both of these documents are reported in a letter to the EPA Administrator, dated November 19, 2012 (EPA–CASAC–13–

002). CASAC also previously reviewed EPA's *Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards (First External Review Draft—August 2012)* as reported in a letter to the EPA Administrator, dated November 26, 2012 (EPA–CASAC–13–003).

The CASAC Ozone Review Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

*Technical Contacts:* Any technical questions concerning the *Health Risk and Exposure Assessment for Ozone—Second External Review Draft (January 2014)* or concerning the *Welfare Risk and Exposure Assessment for Ozone—Second External Review Draft (January 2014)* should be directed to Dr. Bryan Hubbell (*hubbell.bryan@epa.gov*). Any questions concerning the *Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards—Second External Review Draft (January 2014)* should be directed to Ms. Susan Lyon Stone (*stone.susan@epa.gov*).

*Availability of Meeting Materials:* Prior to the meeting, the review documents, agenda and other materials will be accessible through the calendar link on the blue navigation bar at *http://www.epa.gov/casac/.*

*Procedures for Providing Public Input:* Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments for a federal advisory committee to consider pertaining to EPA's charge to the committee or review materials. Input from the public to the CASAC will have the most impact if it provides specific scientific, technical information or analysis or if it relates to the clarity or accuracy of the technical information for the CASAC's consideration. Members of the public wishing to provide comment should contact the Designated Federal Officer directly. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes. Interested parties should contact Dr. Stallworth, DFO, in writing (preferably via email) at the contact information noted above by March 13, 2014, to be placed on the list of public speakers for the meeting. *Written Statements:* Written statements should be submitted to the DFO via email at the contact information noted above by March 13, 2014 for the meeting so that the information may be made available to the CASAC Panel for their consideration. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format. It is the SAB Staff Office general policy to post public comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

*Accessibility:* The public can view the March 25–27, 2014 meeting via a non-interactive webcast that will be broadcast on the internet. The connection information to view the meeting via webcast will be provided on the SAB Web site at *http://www.epa.gov/casac* in advance of the meeting. For information on access or services for individuals with disabilities, please contact Dr. Holly Stallworth at (202) 564–2073 or *stallworth.holly@epa.gov*. To request accommodation of a disability, please contact Dr. Stallworth preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: January 16, 2014.

**Christopher Zarba,**

*Director, EPA Science Advisory Board Staff Office.*

[FR Doc. 2014–01723 Filed 1–28–14; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2008–0699; FRL–9905–99–OAR]**

## Release of Draft Documents Related to the Review of the National Ambient Air Quality Standards for Ozone

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability and public comment period.

**SUMMARY:** On or about January 31, 2014, the Office of Air Quality Planning and Standards (OAQPS) will make available for public comment three draft documents prepared as part of the current review of the national ambient air quality standards (NAAQS) for Ozone ($O_3$). Two are draft risk and exposure assessment documents: *Health Risk and Exposure Assessment for Ozone, Second External Review Draft* and *Welfare Risk and Exposure Assessment for Ozone, Second External Review Draft,* and the third is the draft policy assessment document: *Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards, Second External Review Draft.*

**DATES:** Comments on all documents should be submitted on or before March 24, 2014.

**ADDRESSES:** This document is available primarily via the Internet at the following Web site: *http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_index.html.*

Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2008–0699, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email:* Comments may be sent by electronic mail (email) to *a-and-r-docket@epa.gov,* Attention Docket ID No. EPA–HQ–OAR–2008–0699.
- *Fax:* Fax your comments to 202–566–9744, Attention Docket ID. No. EPA–HQ–OAR–2008–0699.
- *Mail:* Send your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2008–0699. Please include a total of two copies.
- *Hand Delivery or Courier:* EPA Docket Center, 1301 Constitution Ave. NW., Room 3334, Washington, DC. 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–HQ–OAR–2008–0699. The Environmental Protection Agency (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 the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at: *http://www.epa.gov/dockets/.*

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket Information Center, EPA/DC, William Jefferson Clinton Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public reading Room is (202) 566–1744, and the telephone for the Air and Radiation Docket and Information Center is (202) 566–1742; fax (202) 566–9744.

**FOR FURTHER INFORMATION CONTACT:** For questions related to the draft document titled, *Health Risk and Exposure Assessment for Ozone, Second External Review Draft* (EPA–452/P–14–004a; January 2014), please contact Dr. Bryan Hubbell, Office of Air Quality Planning and Standards (Mail code C539–07), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; email: *hubbell.bryan@epa.gov;* telephone: (919) 541–3515; fax: (919) 541–5315.

For questions related to the draft document titled, *Welfare Risk and Exposure Assessment for Ozone, Second External Review Draft* (EPA–452/P–14–003a; January 2014), please contact Dr. Travis Smith, Office of Air Quality Planning and Standards (Mail code C539–07), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; email: *smith.jtravis@epa.gov;* telephone: (919) 541–2035; fax: (919) 541–5315.

For questions related to the draft document titled, *Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards, Second External Review Draft* (EPA–452/P–14–002; January 2014), please contact Ms. Susan Lyon Stone, Office of Air Quality Planning and Standards (Mail code C504–06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; email: *stone.susan@epa.gov;* telephone: (919) 541–1146; fax: (919) 541–0237.

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. What should I consider as I prepare my comments for the EPA?*

1. *Submitting CBI.* Do not submit this information to the EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

## II. Information Specific to These Documents

Two sections of the Clean Air Act (Act) govern the establishment and revision of the NAAQS. Section 108 (42 U.S.C. 7408) directs the Administrator to identify and list certain air pollutants and then to issue air quality criteria for those pollutants. The Administrator is to list those air pollutants that in her ''judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare;'' ''the presence of which in the ambient air results from numerous or diverse mobile or stationary sources;'' and ''for which * * * [the Administrator] plans to issue air quality criteria * * *''. Air quality criteria are intended to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air * * *'' 42 U.S.C. 7408(b). Under section 109 (42 U.S.C. 7409), the EPA establishes primary (health-based) and secondary (welfare-based) NAAQS for pollutants for which air quality criteria are issued. Section 109(d) requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and, if appropriate, revise the NAAQS, based on the revised air quality criteria. Section 109(d)(2) requires that an independent scientific review committee ''shall complete a review of the criteria * * * and the national primary and secondary ambient air quality standards * * * and shall recommend to the Administrator any new * * * standards and revisions of existing criteria and standards as may be appropriate * * *.'' Since the early 1980's, this independent review function has been performed by the Clean Air Scientific Advisory Committee (CASAC).

Presently, the EPA is reviewing the NAAQS for $O_3$. The EPA's overall plan

for this review is presented in the *Integrated Review Plan for the Ozone National Ambient Air Quality Standards.*[1] As part of the EPA's review of the primary and secondary $O_3$ NAAQS,[2] the Agency has conducted quantitative assessments characterizing the: (1) Health risks associated with exposure to ambient $O_3$; (2) welfare risks associated with exposure to ambient $O_3$; and, (3) associated ambient air quality analyses. On or about January 31, 2014, the EPA is making available for public comment two draft assessment documents titled, *Health Risk and Exposure Assessment for Ozone, Second External Review Draft* and *Welfare Risk and Exposure Assessment for Ozone, Second External Review Draft.* These documents revise the first draft Health Risk and Exposure Assessment (EPA–452/P–12–001; July 2012) and first draft Welfare Risk and Exposure Assessment (EPA–452/P–12–004; July 2012), respectively.[3] The draft assessment documents announced today convey the approaches taken to assess exposures to ambient $O_3$ and to characterize associated health and welfare risks, as well as present the key results, observations, and related uncertainties associated with the quantitative analyses performed. These draft assessments may be accessed online through the EPA's Technology Transfer Network (TTN) Web site at *http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_index.html.*

In addition, on or about January 31, 2014, the EPA will make available the draft document titled, *Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards, Second External Review Draft.* This document will serve to ''bridge the gap'' between the scientific information and the judgments required of the Administrator in determining whether to retain or revise the existing NAAQS for ($O_3$), and, if revision is considered, what revisions may be appropriate. This document revises the first draft Policy Assessment (EPA–452/P–12–004; July 2012).[4] The Policy Assessment builds upon information presented in the *Integrated Science Assessment of Ozone and Related Photochemical Oxidants* (Final Report)[5] and the two draft assessment documents announced today and described above. The second draft Policy Assessment may be accessed online through the EPA's TTN Web site at: *http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_index.html.*

The EPA is soliciting advice and recommendations from the CASAC by means of a review of these draft documents at an upcoming public meeting of the CASAC. Information about these public meetings, including the dates and locations, will be published as a separate notice in the **Federal Register**. Following the CASAC meeting, the EPA will consider comments received from the CASAC and the public in preparing revisions to these documents. The EPA will consider public comments submitted in response to this notice when revising the documents. The documents that are the subject of today's notice do not represent and should not be construed to represent any final EPA policy, viewpoint or determination.

Dated: January 22, 2014.

**Mary E. Henigin,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. 2014–01721 Filed 1–28–14; 8:45 am]

**BILLING CODE 6560–50–P**

[1] EPA 452/R–11–006; April 2011; Available: *http://www.epa.gov/ttn/naaqs/standards/ozone/data/2011_04_OzoneIRP.pdf.*

[2] *See http://www.epa.gov/ttn/naaqs/review.html* for more information on the NAAQS review process.

[3] These documents were the subject of a review by the CASAC in September 2012; 77 FR 46755, August 6, 2012.

[4] This document was the subject of a review by CASAC in September 2012; 77 FR 46755, August 6, 2012.

[5] U.S. EPA. Integrated Science Assessment of Ozone and Related Photochemical Oxidants (Final Report). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–10/076F, 2013; Available: *http://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=247492#Download.*

## EXPORT-IMPORT BANK

**[Public Notice 2013–3008]**

### Agency Information Collection Activities: Comment Request

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Submission for OMB review and comments request.

*Form Title:* EIB 92–36 Application for Issuing Bank Credit Limit (IBCL) Under Lender or Exporter-Held Policies.

**SUMMARY:** The Export-Import Banks of the United States (Ex-Im Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

This collection of information is necessary, pursuant to 12 U.S.C. 635(a)(1), to determine eligibility of the applicant for Ex-Im Bank assistance.

The application tool can be reviewed at: *http://www.exim.gov/pub/pending/Form%20EIB%2092-36%20v3.pdf.*

**DATES:** Comments must be received on or before February 28, 2014 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on *www.regulations.gov* or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20038, Attn: OMB 3048–92–36.

**SUPPLEMENTARY INFORMATION:**

*Title and Form Number:* EIB 92–36 Application for Issuing Bank Credit Limit (IBCL) Under Lender or Exporter-Held Policies

*OMB Number:* 3048–0016

*Type of Review:* Regular

*Need and Use:* This form is used by an insured exporter or lender (or broker acting on its behalf) in order to obtain approval for coverage of the repayment risk of an overseas bank. The information received allows Ex-Im Bank staff to make a determination of the creditworthiness of the foreign bank and the underlying export sale for Ex-Im Bank assistance under its programs.

This form has been updated to include a new Certification and Notices section as well as a new statement explaining Ex-Im Bank's limitation on support for goods subject to trade measures or sanctions.

*Affected Public:*

This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 480

Estimated Time per Respondent: 1 hour

Annual Burden Hours: 480 hours

Frequency of Reporting of Use: As needed

*Government Expenses:*

Reviewing time per year: 480 hours

Average Wages per Hour: $42.50

Average Cost per Year: $20,400 (time*wages)

Benefits and Overhead: 20%

Total Government Cost: $24,480

**Bonita Jones,**

*Program Analyst, Records Management Division, Agency Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2014–01623 Filed 1–28–14; 8:45 am]

**BILLING CODE 6690–01–P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments

on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

*Agreement No.:* 011928–007.

*Title:* Maersk Line/HLAG Slot Charter Agreement.

*Parties:* A.P. Moller-Maersk A/S and Hapag-Lloyd AG.

*Filing Party:* Wayne Rohde, Esq., Cozen O'Connor, 1627 I Street NW., Suite 1100, Washington, DC 20006.

*Synopsis:* The Amendment would revise language in the agreement to reflect changes in the amount of space being chartered.

*Agreement No.:* 012034–005.

*Title:* Hamburg Sud/Maersk Line Vessel Sharing Agreement.

*Parties:* Hamburg-Sud and A.P. Moller-Maersk A/S.

*Filing Party:* Wayne Rohde, Esq., Cozen O'Connor, 1627 I Street NW., Suite 1100, Washington, DC 20006.

*Synopsis:* The Amendment would revise the description of the vessels deployed under the agreement, make changes to the space allocations of the parties, and revise language to include an agreement recently concluded by one of the parties.

*Agreement No.:* 201222.

*Title:* Port of Seattle/Port of Tacoma Discussion Agreement.

*Parties:* Port of Seattle and Port of Tacoma.

*Filing Party:* Thomas H. Tanaka, Senior Port Counsel, Port of Seattle, 2711 Alaskan Way, Seattle, WA 98121; and Carolyn Lake, Port General Legal Counsel, Port of Tacoma, 501 South G Street, Tacoma, WA 98405.

*Synopsis:* The Agreement would authorize the parties to discuss, collect and share information on all matters concerning the operation of container terminal facilities at the Ports.

By Order of the Federal Maritime Commission.

Dated: January 24, 2014.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. 2014–01735 Filed 1–28–14; 8:45 am]

**BILLING CODE 6730–01–P**

## FEDERAL TRADE COMMISSION

**[File No. 142–3018]**

## Atlanta Falcons Football Club, LLC; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/falconsconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Atlanta Falcons Football Club, LLC.—Consent Agreement; File No. 142–3018'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/falconsconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Katherine Race Brin, Bureau of Consumer Protection, (202–326–2106), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''Atlanta Falcons Football Club, LLC.—Consent Agreement; File No. 142–3018'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion,

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/falconsconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Atlanta Falcons Football Club, LLC.—Consent Agreement; File No. 142–3018'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to the Atlanta Falcons Football Club, LLC (''the Atlanta Falcons'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that the Atlanta Falcons made to consumers concerning their participation in the Safe Harbor privacy framework (''Safe Harbor'') agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the Safe Harbor Framework. The Safe Harbor framework allows U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor framework, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission as providing ''adequate'' privacy protection. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor framework.

The Atlanta Falcons are a professional football team and a member of the National Football League. According to the Commission's complaint, from September 2005 until November 2013, the Atlanta Falcons set forth on their Web site, *www.atlantafalcons.com,* privacy policies and statements about their practices, including statements related to their participation in the U.S.-EU Safe Harbor Framework.

The Commission's complaint alleges that the Atlanta Falcons falsely represented that they were a ''current'' participant in the Safe Harbor when, in fact, from September 2006 until November 2013, the Atlanta Falcons were not a ''current'' participant in the U.S.-EU Safe Harbor Framework. The Commission's complaint alleges that in September 2005, the Atlanta Falcons submitted a Safe Harbor self-certification. The Atlanta Falcons did not renew the self-certification in September 2006, and Commerce subsequently updated the Atlanta Falcons' status to ''not current'' on its public Web site.

Part I of the proposed order prohibits the Atlanta Falcons from making misrepresentations about their membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires the Atlanta Falcons to retain documents relating to compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that the Atlanta Falcons submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01736 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

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## FEDERAL TRADE COMMISSION

**[File No. 142–3024]**

## DDC Laboratories, Inc., Doing Business as DNA Diagnostics Center; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/ddcconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''DDC Laboratories, Inc.—Consent Agreement; File No. 142–3024'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/ddcconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on

paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Katherine White, Bureau of Consumer Protection, (202–326–2878), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''DDC Laboratories, Inc.—Consent Agreement; File No. 142–3024'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/ddcconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''DDC Laboratories, Inc.—Consent Agreement; File No. 142–3024'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to DDC Laboratories, Inc. (''DDC'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that DDC made to consumers concerning its participation in the Safe Harbor privacy framework (''Safe Harbor'') agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the Safe Harbor Framework. The Safe Harbor framework allows U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor framework, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission as providing ''adequate'' privacy protection. These principles include notice, choice, onward transfer, security, data integrity, access, and enforcement. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor framework.

DDC is a leading provider of private DNA testing and focuses primarily on testing to establish paternity and other familial relationships. According to the Commission's complaint, since at least November 2007, DDC has set forth on its Web site, *www.dnacenter.com,* a privacy policy and statement about its practices, including a statement related to its

participation in the U.S.-EU Safe Harbor Framework.

The Commission's complaint alleges that DDC, through its statement, falsely represented that it was a ''current'' participant in the Safe Harbor when, in fact, from November 2011 until November 2013, DDC was not a ''current'' participant in the Safe Harbor. The Commission's complaint alleges that in November 2007, DDC submitted a Safe Harbor self-certification. DDC subsequently renewed its self-certification in November 2008, November 2009, and November 2010. DDC did not renew its self-certification in November 2011 and Commerce subsequently updated DDC's status to ''not current'' on its public Web site. In November 2013, DDC renewed its self-certification to the Safe Harbor and its status was changed to ''current'' on Commerce's Web site.

Part I of the proposed order prohibits DDC from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires DDC to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that DDC submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01765 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

## FEDERAL TRADE COMMISSION

**[File No. 142–3019]**

## Baker Tilly Virchow Krause, LLP; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/bakertillyconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Baker Tilly Virchow Krause, LLP—Consent Agreement; File No. 142–3019'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/bakertillyconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Katherine White, Bureau of Consumer Protection, (202–326–2878), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''Baker Tilly Virchow Krause, LLP—Consent Agreement; File No. 142–3019'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion,

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/bakertillyconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Baker Tilly Virchow Krause, LLP—Consent Agreement; File No. 142–3019'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to Baker Tilly Virchow Krause, LLP (''Baker Tilly'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that Baker Tilly made to consumers concerning its participation in the Safe Harbor privacy framework (''Safe Harbor'') agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the Safe Harbor Framework. The Safe Harbor framework allows U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor framework, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission as providing ''adequate'' privacy protection. These principles include notice, choice, onward transfer, security, data integrity, access, and enforcement. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor framework.

In 2008, Commerce developed the U.S.-EU Safe Harbor Framework Certification Mark (''the mark'') to allow companies to highlight for consumers their compliance with the Safe Harbor Framework. Upon request, Commerce provides the mark to those organizations that maintain a ''current'' self-certification to the U.S.-EU Safe Harbor Framework. Commerce has established certain rules for using the mark, such as requirements related to the mark's placement on a Web site and the inclusion of a link to *www.export.gov/safeharbor.*

Baker Tilly is an accounting and advisory services firm. According to the Commission's complaint, since at least June 2010, Baker Tilly has set forth on its Web site, *www.bakertilly.com,* privacy policies and statements about its practices, including statements related to its participation in the U.S.-EU Safe Harbor Framework. In addition, from at least June 2010, Baker Tilly displayed the mark on its Web site.

The Commission's complaint alleges that Baker Tilly, through its statements and use of the mark, falsely represented that it was a ''current'' participant in the Safe Harbor when, in fact, from June 2011 until December 2013, Baker Tilly was not a ''current'' participant in the Safe Harbor. The Commission's complaint alleges that in June 2010, Baker Tilly submitted a Safe Harbor self-certification. Baker Tilly did not renew its self-certification in June 2011 and Commerce subsequently updated Baker Tilly's status to ''not current'' on its public Web site. In December 2013, Baker Tilly renewed its self-certification to the Safe Harbor and its status was changed to ''current'' on Commerce's Web site.

Part I of the proposed order prohibits Baker Tilly from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires Baker Tilly to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that Baker Tilly submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01749 Filed 1–28–14; 8:45 am]

BILLING CODE 6750–01–P

## FEDERAL TRADE COMMISSION

**[File No. 142–3032]**

## Tennessee Football, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/titansconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Tennessee Football, Inc.-Consent Agreement; File No. 142–3032'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/titansconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Katherine Race Brin, Bureau of Consumer Protection, (202–326–2106), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''Tennessee Football, Inc.-Consent Agreement; File No. 142–3032'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/titansconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Tennessee Football, Inc.- Consent Agreement; File No. 142–3032'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to Tennessee Football, Inc. (''the Tennessee Titans'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that the Tennessee Titans made to consumers concerning their participation in the Safe Harbor privacy framework (''Safe Harbor'') agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the Safe Harbor Framework. The Safe Harbor framework allows U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor framework, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission as providing ''adequate'' privacy protection. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor framework.

The Tennessee Titans are a professional football team and a member of the National Football League. According to the Commission's complaint, from August 2005 until November 2013, the Tennessee Titans set forth on their Web site, *www.titansonline.com,* privacy policies and statements about their practices, including statements related to their participation in the U.S.-EU Safe Harbor Framework.

The Commission's complaint alleges that the Tennessee Titans falsely represented that they were a ''current'' participant in the Safe Harbor when, in fact, from August 2009 until November 2013, the Tennessee Titans were not a ''current'' participant in the U.S.-EU Safe Harbor Framework. The Commission's complaint alleges that in August 2005, the Tennessee Titans submitted a Safe Harbor self-certification. The Tennessee Titans did not renew the self-certification in August 2009, and Commerce subsequently updated the Tennessee Titans' status to ''not current'' on its public Web site.

Part I of the proposed order prohibits the Tennessee Titans from making misrepresentations about their membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires the Tennessee Titans to retain documents relating to compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that the Tennessee Titans submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01780 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

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## FEDERAL TRADE COMMISSION

**[File No. 142–3017]**

## Apperian, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/apperianconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Apperian, Inc.—Consent Agreement; File No. 142–3017'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/apperianconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Katherine Race Brin, Bureau of Consumer Protection, (202–326–2106), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''Apperian, Inc.—Consent Agreement; File No. 142–3017'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request,

Continued

confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/apperianconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Apperian, Inc.—Consent Agreement; File No. 142–3017'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to Apperian, Inc. (''Apperian'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

This matter concerns alleged false or misleading representations that Apperian made to consumers concerning its participation in the Safe Harbor privacy frameworks agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework'') and the U.S. and Switzerland (''U.S.-Swiss Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the U.S.-EU Safe Harbor Framework and/or U.S.-Swiss Safe Harbor Framework (''Safe Harbor Frameworks''). The Safe Harbor Frameworks allow U.S. companies to transfer data outside the EU and Switzerland consistent with European law. To join the Safe Harbor Frameworks, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission and Switzerland as providing ''adequate'' privacy protection. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor Frameworks. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor Frameworks.

In 2008, Commerce developed the U.S.-EU Safe Harbor Framework Certification Mark (''the mark'') to allow companies to highlight for consumers their compliance with the Safe Harbor framework. Upon request, Commerce provides the mark to those organizations that maintain a ''current'' self-certification to the U.S.-EU Safe Harbor Framework. Commerce has established certain rules for using the mark, such as requirements related to the mark's placement on a Web site and the inclusion of a link to *www.export.gov/safeharbor.*

Apperian develops mobile applications management platforms for enterprises and provides tools to help companies deploy apps to employees. According to the Commission's complaint, since at least July 2010, Apperian has set forth on its Web site, *www.apperian.com,* privacy policies and statements about its practices, including statements related to its participation in the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework. In addition, since at least July 2010, Apperian has displayed the mark on its Web site.

The Commission's complaint alleges that Apperian, through its statements and use of the mark, falsely represented that it was a ''current'' participant in the Safe Harbor Frameworks when, in fact, from July 2012 until November 2013, Apperian was not a ''current'' participant in the Safe Harbor Frameworks. The Commission's complaint alleges that in July 2010, Apperian submitted a self-certification to the Safe Harbor Frameworks. Apperian did not renew its self-certification in July 2012, and Commerce subsequently updated Apperian's status to ''not current'' on its public Web site. In November 2013, Apperian renewed its self-certification to the Safe Harbor Frameworks, and its status was changed to ''current'' on Commerce's Web site.

Part I of the proposed order prohibits Apperian from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework and U.S.-Swiss Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires Apperian to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that Apperian submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01733 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

## FEDERAL TRADE COMMISSION

**[File No. 142–3025]**

## PDB Sports, Ltd., Doing Business as Denver Broncos Football Club; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/broncoconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''PDB Sports, Ltd., d/b/a the Denver Broncos Football Club—Consent Agreement; File No. 142–3025'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/broncoconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Katherine Race Brin, Bureau of Consumer Protection, (202–326–2106), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''PDB Sports, Ltd., d/b/a the Denver Broncos Football Club—Consent Agreement; File No. 142–3025'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/broncoconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''PDB Sports, Ltd., d/b/a the Denver Broncos Football Club—Consent Agreement; File No. 142–3025'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to PDB Sports, Ltd., doing business as the Denver Broncos Football Club (''the Denver Broncos'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that the Denver Broncos made to consumers concerning their participation in the

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Safe Harbor privacy framework (''Safe Harbor'') agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the Safe Harbor Framework. The Safe Harbor framework allows U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor framework, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission as providing ''adequate'' privacy protection. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor framework.

The Denver Broncos are a professional football team and a member of the National Football League. According to the Commission's complaint, from November 2008 until November 2013, the Denver Broncos set forth on their Web site, *www.denverbroncos.com,* privacy policies and statements about their practices, including statements related to their participation in the U.S.-EU Safe Harbor Framework.

The Commission's complaint alleges that the Denver Broncos falsely represented that they were a ''current'' participant in the Safe Harbor when, in fact, from November 2011 until November 2013, the Denver Broncos were not a ''current'' participant in the U.S.-EU Safe Harbor Framework. The Commission's complaint alleges that in November 2008, the Denver Broncos submitted a Safe Harbor self-certification. The Denver Broncos did not renew the self-certification in November 2011, and Commerce subsequently updated the Denver Broncos' status to ''not current'' on its public Web site.

Part I of the proposed order prohibits the Denver Broncos from making misrepresentations about their membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires the Denver Broncos to retain documents relating to compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that the Denver Broncos submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01779 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

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## FEDERAL TRADE COMMISSION

**[File No. 142–3020]**

## BitTorrent, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/bittorrentconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''BitTorrent, Inc.—Consent Agreement; File No. 142–3020'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/bittorrentconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Katherine Race Brin, Bureau of Consumer Protection, (202–326–2106), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''BitTorrent, Inc.—Consent Agreement; File No. 142–3020'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include

any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/bittorrentconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''BitTorrent, Inc.—Consent Agreement; File No. 142–3020'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to BitTorrent, Inc. (''BitTorrent'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that BitTorrent made to consumers concerning its participation in the Safe Harbor privacy framework (''Safe Harbor'') agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the Safe Harbor Framework. The Safe Harbor framework allows U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor framework, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission as providing ''adequate'' privacy protection. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor framework.

BitTorrent is the developer of a peer-to-peer file-sharing system. According to the Commission's complaint, from January 2007 until November 2013, BitTorrent set forth on its Web site, *www.bittorrent.com,* privacy policies and statements about its practices, including statements related to its participation in the U.S.-EU Safe Harbor Framework.

The Commission's complaint alleges that BitTorrent falsely represented that it was a ''current'' participant in the Safe Harbor when, in fact, from January 2008 until November 2013, BitTorrent was not a ''current'' participant in the U.S.-EU Safe Harbor Framework. The Commission's complaint alleges that in January 2007, BitTorrent submitted a Safe Harbor self-certification. BitTorrent did not renew its self-certification in January 2008, and Commerce subsequently updated BitTorrent's status to ''not current'' on its public Web site.

Part I of the proposed order prohibits BitTorrent from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires BitTorrent to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that BitTorrent submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01757 Filed 1–28–14; 8:45 am]

BILLING CODE 6750–01–P

## FEDERAL TRADE COMMISSION

**[File No. 142–3023]**

## DataMotion, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/datamotionconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''DataMotion, Inc.—Consent Agreement; File No. 142–3023'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/datamotionconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Jessica Lyon, Bureau of Consumer Protection, (202–326–2344), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''DataMotion, Inc.—Consent Agreement; File No. 142–3023'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/datamotionconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''DataMotion, Inc.—Consent Agreement; File No. 142–3023'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to DataMotion, Inc. (''DataMotion'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that DataMotion made to consumers concerning its participation in the Safe Harbor privacy frameworks agreed upon by the U.S. and the European Union (''U.S.-EU Safe Harbor Framework'') and the U.S. and Switzerland (''U.S.-Swiss Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the U.S.-EU Safe Harbor Framework and/or U.S.-Swiss Safe Harbor Framework (''Safe Harbor Frameworks''). The Safe Harbor Frameworks allow U.S. companies to transfer data outside the EU and Switzerland consistent with European law. To join the Safe Harbor Frameworks, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission and Switzerland as providing ''adequate'' privacy protection. These principles include notice, choice,

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

onward transfer, security, data integrity, access, and enforcement. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor Frameworks. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor Frameworks.

In 2008, Commerce developed the U.S.-EU Safe Harbor Framework Certification Mark (''the mark'') to allow companies to highlight for consumers their compliance with the Safe Harbor framework. Upon request, Commerce provides the mark to those organizations that maintain a ''current'' self-certification to the U.S.-EU Safe Harbor Framework. Commerce has established certain rules for using the mark, such as requirements related to the mark's placement on a Web site and the inclusion of a link to *www.export.gov/safeharbor.*

DataMotion provides businesses with systems for sending encrypted email and other secure file transport. According to the Commission's complaint, since at least April 2012, DataMotion has set forth on its Web site, *www.datamotion.com,* privacy policies and statements about its practices, including statements related to its participation in the U.S.-EU Safe Harbor Framework and U.S.-Swiss Safe Harbor Framework. In addition, from at least April 2012 until November 2013, DataMotion displayed the mark on its Web site.

The Commission's complaint alleges that DataMotion, through its statements and use of the mark, falsely represented that it was a ''current'' participant in the Safe Harbor Frameworks when, in fact, from April 2013 until November 2013, DataMotion was not a ''current'' participant in the Safe Harbor Frameworks. The Commission's complaint alleges that in April 2012, DataMotion submitted a self-certification to the Safe Harbor Frameworks. DataMotion did not renew its self-certification in April 2013 and Commerce subsequently updated DataMotion's status to ''not current'' on its public Web site. In November 2013, DataMotion renewed its self-certification to the Safe Harbor Frameworks and its status was changed to ''current'' on Commerce's Web site.

Part I of the proposed order prohibits DataMotion from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires DataMotion to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that DataMotion submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01767 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

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## FEDERAL TRADE COMMISSION

**[File No. 142–3022]**

## Charles River Laboratories International, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/charlesriverconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Charles River Laboratories International, Inc.—Consent Agreement; File No. 142–3022'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/charlesriverconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Katherine Race Brin, Bureau of Consumer Protection, (202–326–2106), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''Charles River Laboratories International, Inc.—Consent Agreement; File No. 142–3022'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal

information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/charlesriverconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Charles River Laboratories International, Inc.—Consent Agreement; File No. 142–3022'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to Charles River Laboratories International, Inc. (''Charles River Labs'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that Charles River Labs made to consumers concerning its participation in the Safe Harbor privacy framework (''Safe Harbor'') agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the Safe Harbor Framework. The Safe Harbor framework allows U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor framework, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission as providing ''adequate'' privacy protection. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor framework.

Charles River Labs provides support for research and development of new drugs, devices and therapies. According to the Commission's complaint, since at least May 2006, Charles River Labs set forth on its Web site, *www.criver.com,* privacy policies and statements about its practices, including statements related to its participation in the U.S.-EU Safe Harbor Framework.

The Commission's complaint alleges that Charles River Labs falsely represented that it was a ''current'' participant in the Safe Harbor when, in fact, from May 2011 until December 2013, Charles River Labs was not a ''current'' participant in the U.S.-EU Safe Harbor Framework. The Commission's complaint alleges that in May 2006, Charles River Labs submitted a Safe Harbor self-certification. Charles River Labs did not renew its self-certification in May 2011 and Commerce subsequently updated Charles River Labs status to ''not current'' on its public Web site. In December 2013, Charles River Labs renewed its self-certification to the Safe Harbor framework, and its status was changed to ''current'' on Commerce's Web site.

Part I of the proposed order prohibits Charles River Labs from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires Charles River Labs to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that Charles River Labs submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01762 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

## FEDERAL TRADE COMMISSION

**[File No. 122–3010]**

## Nissan North America, Inc. and TBWA Worldwide, Inc.; Analyses of Proposed Consent Orders To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreements.

**SUMMARY:** The consent agreements in these matters settle alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analyses of Proposed Consent Orders to Aid Public Comment describe both the allegations in the draft complaints and the terms of the consent orders—embodied in the consent agreements—that would settle these allegations.

**DATES:** Comments must be received on or before February 24, 2014.

**ADDRESSES:** Interested parties may file comments at *https://ftcpublic.commentworks.com/ftc/nissannorthamericaconsent* and *https://ftcpublic.commentworks.com/ftc/tbwaconsent* online or on paper, by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Nissan North America Consent Agreement, Inc.—Consent Agreement; File No. 122–3010'' or ''TBWA Worldwide, Inc.—Consent Agreement; File No. 122–3010'' on your comment and file your comments online at *https://ftcpublic.commentworks.com/ftc/nissannorthamericaconsent* and *https://ftcpublic.commentworks.com/ftc/tbwaconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based forms. If you prefer to file your comments on paper, mail or deliver your comments to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Matthew D. Gold, FTC Western Region, (415–848–5100), 901 Market Street, Suite 570 San Francisco, CA 94103.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreements containing consent orders to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, have been placed on the public record for a period of thirty (30) days. The following Analyses To Aid Public Comment describe the terms of the consent agreements, and the allegations in the complaints. An electronic copy of the full text of the consent agreement packages can be obtained from the FTC Home Page (for January 23, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* Paper copies can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file comments online or on paper. For the Commission to consider your comments, we must receive them on or before February 24, 2014. Write ''Nissan North America Consent Agreement, Inc.—Consent Agreement; File No. 122–3010'' or ''TBWA Worldwide, Inc.—Consent Agreement; File No. 122–3010'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/nissannorthamericaconsent* and *https://ftcpublic.commentworks.com/ftc/tbwaconsent* by following the instructions on the web-based forms. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Nissan North America Consent Agreement, Inc.—Consent Agreement; File No. 122–3010'' or ''TBWA Worldwide, Inc.—Consent Agreement; File No. 122–3010'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 24, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

### Analysis of Proposed Consent Order To Aid Public Comment in the Matter of Nissan North America, Inc.

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing consent order from Nissan North America, Inc. (''respondent'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves the advertising, marketing, and sale of the Nissan Frontier pickup truck by respondent. Respondent has marketed the Nissan Frontier to consumers through the ''Hill Climb'' advertisement, which respondent disseminated on television and over the internet. According to the FTC complaint, the Hill Climb advertisement deceptively demonstrated the capabilities of the Nissan Frontier.

Specifically, according to the FTC complaint, the Hill Climb advertisement depicts a Nissan Frontier pickup truck rescuing a dune buggy that is trapped in sand on a steep hill. The Nissan Frontier speeds up the sand dune and stops immediately behind the dune buggy. The Nissan Frontier then pushes the dune buggy up and over the top of the hill. Onlookers are portrayed observing the feat in amazement. A narrator subsequently states, ''The mid-size Nissan Frontier with full-size horsepower and torque. Innovation for doers, innovation for all.'' According to the complaint, the demonstration is portrayed in a realistic, ''YouTube'' style, as if shot with a mobile phone video camera.

According to the complaint, respondent represented that the Hill Climb advertisement accurately represents the performance of an actual, unaltered Nissan Frontier pickup truck under the depicted conditions. The complaint further alleges that this claim is false, and thus violates the FTC Act, because the Nissan Frontier pickup truck is incapable of performing the feat depicted in the Hill Climb advertisement. In truth, according to the complaint, both the Nissan Frontier pickup truck and the dune buggy were dragged to the top of the hill by cables, and the sand dune was made to appear to be significantly steeper than it actually was.

The proposed consent order contains provisions designed to prevent respondent from engaging in similar acts or practices in the future. Specifically, Part I prohibits respondent from misrepresenting, in the context of the advertisement as a whole, any material quality or feature of any Nissan-branded pickup truck through the depiction of a test, experiment, or demonstration. Part I specifies that nothing in the order shall be deemed to preclude the use of any production techniques that do not misrepresent a material quality or feature of the advertised truck.

Part II of the proposed order requires respondent to maintain, and make available to the Commission upon written request, copies of relevant advertisements, as well as any and all unedited video and still images taken during the production of any advertisement depicting a demonstration, experiment, or test. Under Part II, respondent must also maintain any and all affidavits or certifications submitted by an employee, agent, or representative to any television network or other individual, where such affidavit or certification affirms the accuracy or integrity of a demonstration contained in an advertisement.

Parts III, IV, and V of the proposed order require respondent to provide copies of the order to its personnel; to notify the Commission of changes in corporate structure that might affect compliance obligations under the order; and to file compliance reports with the Commission. Part VI provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

**Analysis of Proposed Consent Order To Aid Public Comment in the Matter of TBWA Worldwide, Inc.**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing consent order from TBWA Worldwide, Inc. (''respondent'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves the advertising and marketing of the Nissan Frontier pickup truck by respondent. Respondent is an advertising agency of Nissan North America, Inc., and prepared and disseminated the ''Hill Climb'' advertisement, which promoted the Nissan Frontier pickup truck. According to the FTC complaint, the Hill Climb advertisement, which appeared on television and over the Internet, deceptively demonstrated the capabilities of the Nissan Frontier.

Specifically, according to the FTC complaint, the Hill Climb advertisement depicts a Nissan Frontier pickup truck rescuing a dune buggy that is trapped in sand on a steep hill. The Nissan Frontier speeds up the sand dune and stops immediately behind the dune buggy. The Nissan Frontier then pushes the dune buggy up and over the top of the hill. Onlookers are portrayed observing the feat in amazement. A narrator subsequently states, ''The mid-size Nissan Frontier with full-size horsepower and torque. Innovation for doers, innovation for all.'' According to the complaint, the demonstration is portrayed in a realistic, ''YouTube'' style, as if shot with a mobile phone video camera.

According to the complaint, respondent represented that the Hill Climb advertisement accurately represents the performance of an actual, unaltered Nissan Frontier pickup truck under the depicted conditions. The complaint further alleges that this claim is false, and thus violates the FTC Act, because the Nissan Frontier pickup truck is incapable of performing the feat depicted in the Hill Climb advertisement. The complaint further alleges that respondent knew or should have known that the claim is false. In truth, according to the complaint, both the Nissan Frontier pickup truck and the dune buggy were dragged to the top of the hill by cables, and the sand dune was made to appear to be significantly steeper than it actually was.

The Hill Climb advertisement was created by TBWA Chiat/Day Los Angeles, a division of TBWA Worldwide, Inc. Because TBWA Chiat/Day Los Angeles is not a formal corporate entity, the Commission's order names TBWA Worldwide, Inc., as respondent. Via the order's definition of ''respondent,'' however, the injunctive provisions of the order apply only to TBWA Chiat/Day Los Angeles and to its sister agency, TBWA Chiat/Day New York.

The proposed consent order contains provisions designed to prevent respondent from engaging in similar acts or practices in the future. Specifically, Part I prohibits respondent from misrepresenting, in the context of the advertisement as a whole, any material quality or feature of any pickup truck through the depiction of a test, experiment, or demonstration. Part I specifies that nothing in the order shall be deemed to preclude the use of any production techniques that do not misrepresent a material quality or feature of the advertised truck.

Consistent with prior FTC cases involving advertising agencies, Part I also declares that respondent can be held liable for violating Part I of the order only if it knew or should have known that the test, experiment, or demonstration misrepresented a material quality or feature of the advertised truck.

Part II of the proposed order requires respondent to maintain, and make available to the Commission upon written request, copies of relevant advertisements, as well as any and all unedited video and still images taken during the production of any advertisement depicting a demonstration, experiment, or test. Under Part II, respondent must also maintain any and all affidavits or certifications submitted by an employee, agent, or representative to any television network or other individual, where such affidavit or certification affirms the accuracy or integrity of a demonstration contained in an advertisement.

Part III of the proposed order requires respondent to provide copies of the order to certain of its personnel. Parts IV and V of the proposed order require TBWA Worldwide, Inc., to notify the Commission of changes in corporate structure that might affect compliance obligations under the order; and to file compliance reports with the Commission. Part VI provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01748 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

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## FEDERAL TRADE COMMISSION

**[File No. 142–3030]**

## Reynolds Consumer Products Inc.; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/reynoldsfoilconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Reynolds Consumer Products, Inc.—Consent Agreement; File No. 142–3030'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/reynoldsfoilconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Jessica Lyon, Bureau of Consumer Protection, (202–326–2344), 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''Reynolds Consumer Products, Inc.—Consent Agreement; File No. 142–3030'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/reynoldsfoilconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Reynolds Consumer Products, Inc.—Consent Agreement; File No. 142–

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

3030'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW, Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to Reynolds Consumer Products Inc. (''Reynolds'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that Reynolds made to consumers concerning its participation in the Safe Harbor privacy framework agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework'' or ''Safe Harbor framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the Safe Harbor framework. The Safe Harbor framework allows U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor framework, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission as providing ''adequate'' privacy protection. These principles include notice, choice, onward transfer, security, data integrity, access, and enforcement. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor framework.

Reynolds manufactures and sells food wrapping foil and a variety of other household products for cooking, storage, and disposal. According to the Commission's complaint, from April 2009 until November 2013, Reynolds set forth on its Web site, *www.reynoldspkg.com,* privacy policies and statements about its practices, including statements related to its participation in the U.S.-EU Safe Harbor Framework.

The Commission's complaint alleges that Reynolds falsely represented that it was a ''current'' participant in the Safe Harbor when, in fact, from April 2010 until November 2013, Reynolds was not a ''current'' participant in the U.S.-EU Safe Harbor Framework with respect to the customer data it handles. Further, from April 2011 until November 2013, Reynolds was not a ''current'' participant in the U.S.-EU Safe Harbor Framework with respect to the human resources data it handles. The Commission's complaint alleges that in April 2009, Reynolds submitted a Safe Harbor self-certification with respect to the customer data it handles and a Safe Harbor self-certification with respect to the human resources data it handles. Reynolds did not renew its self-certification with respect to the customer data it handles in April 2010 and Commerce subsequently updated Reynolds' status to ''not current'' on its public Web site. Reynolds did not renew its self-certification with respect to the human resources data it handles in April 2011 and Commerce subsequently updated Reynolds' status to ''not current'' on its public Web site.

Part I of the proposed order prohibits Reynolds from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires Reynolds to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that Reynolds submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01744 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

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## FEDERAL TRADE COMMISSION

**[File No. 142–3031]**

## The Receivable Management Services Corporation; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/rmsconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''The Receivable Management Services, Corporation (RMS)—Consent Agreement; File No. 142–3031'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/rmsconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary,

Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Katherine White, Bureau of Consumer Protection, (202–326–2878), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''The Receivable Management Services, Corporation (RMS)—Consent Agreement; File No. 142–3031'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/rmsconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''The Receivable Management Services, Corporation (RMS)—Consent Agreement; File No. 142–3031'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to The Receivable Management Services Corporation (''RMS'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that RMS made to consumers concerning its participation in the Safe Harbor privacy framework (''Safe Harbor'') agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the Safe Harbor Framework. The Safe Harbor framework allows U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor framework, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission as providing ''adequate'' privacy protection. These principles include notice, choice, onward transfer, security, data integrity, access, and enforcement. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor framework.

In 2008, Commerce developed the U.S.-EU Safe Harbor Framework Certification Mark (''the mark'') to allow companies to highlight for consumers their compliance with the Safe Harbor Framework. Upon request, Commerce provides the mark to those organizations that maintain a ''current'' self-certification to the U.S.-EU Safe Harbor Framework. Commerce has established certain rules for using the mark, such as

requirements related to the mark's placement on a Web site and the inclusion of a link to *www.export.gov/safeharbor.*

RMS is a collection agency. According to the Commission's complaint, from at least February 2009 until November 2013, RMS set forth on its Web site, *www.rmsna.com,* privacy policies and statements about its practices, including statements related to its participation in the U.S.-EU Safe Harbor Framework. In addition, from at least February 2009 until November 2013, RMS displayed the mark on its Web site.

The Commission's complaint alleges that RMS, through its statements and use of the mark, falsely represented that it was a ''current'' participant in the Safe Harbor when, in fact, from February 2010 until November 2013, RMS was not a ''current'' participant in the Safe Harbor. The Commission's complaint alleges that in February 2009, RMS submitted a Safe Harbor self-certification. RMS did not renew its self-certification in February 2010 and Commerce subsequently updated RMS's status to ''not current'' on its public Web site.

Part I of the proposed order prohibits RMS from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires RMS to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that RMS submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01768 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

## FEDERAL TRADE COMMISSION

**[File No. 142–3028]**

## Level 3 Communications, LLC; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 20, 2014.

**ADDRESSES:** Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/levelthreeconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Level 3 Communications, LLC.—Consent Agreement; File No. 142–3028'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/levelthreeconsent https://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Jessica Lyon, Bureau of Consumer Protection, (202–326–2344), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 21, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 20, 2014. Write ''Level 3 Communications, LLC.—Consent Agreement; File No. 142–3028'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion,

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/levelthreeconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Level 3 Communications, LLC.—Consent Agreement; File No. 142–3028'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 20, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, a consent agreement applicable to Level 3 Communications, LLC (''Level 3'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that Level 3 made to consumers concerning its participation in the Safe Harbor privacy frameworks agreed upon by the U.S. and the European Union (''EU'') (''U.S.-EU Safe Harbor Framework'') and the U.S. and Switzerland (''U.S.-Swiss Safe Harbor Framework''). It is among several actions the Commission is bringing to enforce the promises that companies make when they certify that they participate in the U.S.-EU Safe Harbor Framework and/or U.S.-Swiss Safe Harbor Framework (''Safe Harbor Frameworks''). The Safe Harbor Frameworks allow U.S. companies to transfer data outside the EU and Switzerland consistent with European law. To join the Safe Harbor Frameworks, a company must self-certify to the U.S. Department of Commerce (''Commerce'') that it complies with a set of principles and related requirements that have been deemed by the European Commission and Switzerland as providing ''adequate'' privacy protection. These principles include notice, choice, onward transfer, security, data integrity, access, and enforcement. Commerce maintains a public Web site, *www.export.gov/safeharbor,* where it posts the names of companies that have self-certified to the Safe Harbor Frameworks. The listing of companies indicates whether their self-certification is ''current'' or ''not current.'' Companies are required to re-certify every year in order to retain their status as ''current'' members of the Safe Harbor Frameworks.

Level 3 is an international communications provider and one of the six largest internet service providers in the world. According to the Commission's complaint, from June 2001 until November 2013, Level 3 set forth on its Web site, *www.level3.com,* privacy policies and statements about its practices, including statements related to its participation in the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework.

The Commission's complaint alleges that Level 3 falsely represented that it was a ''current'' participant in the Safe Harbor Frameworks when, in fact, from June 2012 until November 2013, Level 3 was not a ''current'' participant in the Safe Harbor Frameworks. The Commission's complaint alleges that in June 2001, Level 3 submitted a self-certification to the Safe Harbor Frameworks. Level 3 did not renew its self-certification in June 2012 and Commerce subsequently updated Level 3's status to ''not current'' on its public Web site.

Part I of the proposed order prohibits Level 3 from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires Level 3 to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in company status. Part V mandates that Level 3 submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–01746 Filed 1–28–14; 8:45 am]

**BILLING CODE 6750–01–P**

## GENERAL SERVICES ADMINISTRATION

**[Notice-FTR–2014–01; Docket No: 2014–0004; Sequence 1:**

## GSA Bulletin FTR 14–04] Federal Travel Regulation (FTR); Relocation Allowances—Standard Mileage Rate for Moving Purposes

**AGENCY:** Office of Government-wide Policy, U.S. General Services Administration (GSA).

**ACTION:** Notice of a bulletin.

**SUMMARY:** The U.S. General Services Administration (GSA) published FTR Amendments 2007–03, June 27, 2007, and 2007–06, December 11, 2007, in the **Federal Register** (72 FR 35187 and 72 FR 70234 respectively) specifying that the Internal Revenue Service (IRS) Standard Mileage Rate for moving purposes would be the rate at which agencies will reimburse an employee for using a Privately Owned Vehicle (POV) for relocation worldwide. The amendment indicated that the change to the IRS Standard Mileage Rate for moving purposes applied to relocations on and after September 25, 2007, and that GSA would publish a bulletin announcing any changes to that rate made by the IRS thereafter. On

December 6, 2013, the IRS announced that as of January 1, 2014, the relocation mileage rate would decrease to $0.235 per mile for the 12-month period ending on December 31, 2014. Thus, the reimbursement rate for POVs used in conjunction with official relocation will also be $0.235 for the same period. FTR Bulletin 14–04 is attached. FTR Bulletin 14–04 and all other FTR bulletins may be found at *www.gsa.gov/federaltravelregulation.*

**DATES:** This notice is effective January 29, 2014 and applies to relocations performed on or after January 1, 2014, through December 31, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ed Davis, GSA, Office of Government-wide Policy (M), Office of Asset and Transportation Management (MA), at 202–208–7638 or via email at *ed.davis@gsa.gov*. Please cite FTR Bulletin 14–04.

Dated: January 17, 2014.

**Anne E. Rung,**

*Associate Administrator, Office of Government-wide Policy.*

[FR Doc. 2014–01705 Filed 1–28–14; 8:45 am]

**BILLING CODE 6820–14–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Office of the Assistant Secretary for Financial Resources (ASFR); Statement of Organization, Functions, and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) is being amended at Chapter AM, Office of the Assistant Secretary for Financial Resources, as last amended at 77 FR 19666–67, dated April 2, 2012. This reorganization will eliminate the Office of Executive Program Information (AMW) within ASFR through the following changes:

A. Under Section AM.10 Organization, delete the last sentence of the section in its entirety and replace with the following:

The office consists of the following components:

- Immediate Office of the Assistant Secretary (AM).
- Office of Budget (AML).
- Office of Finance (AMS).
- Office of Grants and Acquisition Policy and Accountability (AMT).

B. Under Section AM.20 Functions, delete Chapter AMW, Office of Executive Program Information (OEPI), in its entirety.

Dated: November 13, 2013.

**E.J. Holland, Jr.,**

*Assistant Secretary for Administration.*

[FR Doc. 2014–01712 Filed 1–28–14; 8:45 am]

**BILLING CODE 4150–24–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Pilot Test of an Emergency Department Discharge Tool.'' In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on August 27th, 2013 and allowed 60 days for public comment. One comment was received. The purpose of this notice is to allow an additional 30 days for public comment.

**DATES:** Comments on this notice must be received by February 28, 2014.

**ADDRESSES:** Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@ahrq.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@ahrq.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

**Proposed Project**

*Pilot Test of an Emergency Department Discharge Tool*

The research study ''Pilot Test of an Emergency Discharge Tool'' fully supports AHRQ's mission. The ultimate aim of this study is to pilot test a discharge tool which has the potential to reduce unnecessary visits to the Emergency Department (ED), reduce healthcare expenditure in the ED, as well as streamline and enhance the quality of care delivered to ED patients.

The ED is an important and frequently used setting of care for a large part of the U.S. population. In 2006, there were nearly 120 million ED visits in the U.S., of which only 15.5 million (14.7%) resulted in admission to the hospital or transfer to another hospital. Thus the majority ED visits result in discharge to home. Patients discharged from the ED face significant risk for adverse outcomes, with between 3–5 patients per 100,000 visits experiencing an unexpected death following discharge from the ED. Additionally, a sizable minority of patients return to the ED frequently. Published studies estimate that 4.5% to 8% of patients revisit the ED 4 or more times per year, accounting for 21% to 28% of all ED visits. Internal data from John Hopkins Hospital, AHRQ's contractor for this pilot test, supports these findings with 7% of their patients accounting for 26% of visits to the Johns Hopkins Hospital ED in 2011.

Patients who revisit the ED contribute to overcrowding, unnecessary delays in care, dissatisfaction, and avoidable patient harm. ED revisits are also an important contributor to rising health care costs, as ED care is estimated to cost two to five times as much as the same treatment delivered by a primary care physician. Thus it is estimated that eliminating revisits and inappropriate use of EDs could reduce health care spending as much as $32 billion each year. Overall, an effective and efficient ED discharge process would improve the quality of patient care in the ED as well as reduce healthcare costs.

To respond to the challenges faced by our nation's EDs and the patients they serve, AHRQ will develop and pilot test a tool to improve the ED discharge process. More specifically, this project has the following goals:

(1) Develop and Pilot Test a Prototype ED Discharge Tool in a limited number of settings to assess:

(a) The feasibility for use with patients;

(b) The methodological and resource requirements associated with tool use;

(c) The feasibility of measuring outcomes;

(d) The costs of implementation and;

(e) Preliminary outcomes or impacts of tool use.

(2) Revise the Tool based on the results from the Pilot Test.

This study is being conducted by AHRQ through its contractor, John Hopkins Hospital, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the

quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

**Method of Collection**

To achieve these goals the following data collections will be implemented:

(1) Pilot Test of the Emergency Department Discharge Tool (EDT)—The EDT will be pilot tested in the three John Hopkins EDs in Baltimore. The purpose of the EDT is to assist hospitals in identifying patients who excessively use the ED and can be categorized as ''frequent ED users,'' as well as to target interventions to these patients to reduce the risk of further avoidable revisits. A research assistant will screen the medical record of all adult patients for the presence of frequent ED use, the key risk factor for ED discharge failure. Frequent ED use is defined as: (1) 1 or more previous ED visit within the last 72-hours, or (2) 3 or more previous ED visits within the last 3 months, or (3) 4 or more ED visits within the last 12 months. This definition can be modified to align with the resources of the individual ED.

This tool uses data collected from the record of patients that are flagged as frequent ED users. By asking patients a series of questions about their medical history, the tool also helps to identify individuals with risk factors that have been shown in the literature to predict sub-optimal ED discharges and resulting revisits. These risk factors include being uninsured, lack of a primary care physician, having psychiatric diseases, abusing substances, difficulty caring for oneself, or having trouble comprehending ED discharge instructions.

A User's Guide (EDT User's Guide) is also provided to assist EDs in developing resources to provide interventions recommended by the EDT. No data collection activities will occur from this manual.

(2) One Month Patient Follow-up Telephone Interview—After the ED visit, a project research assistant (RA) will have a follow-up telephone interview with all enrolled patients. During the interview, the RA will inquire about the success of the interventions that were given for the patient.

(3) Three Month Patient Follow-up Telephone Interview—Patients who are uninsured will receive an additional phone call 3 months after the ED visit to assess whether or not they were able to acquire insurance.

(4) Implementer Focus Groups—AHRQ will conduct four sets of focus groups to collect qualitative data about the usability and usefulness of the EDT from four stakeholder groups: Three groups of EDT implementers and one group of research assistants. Questions for each of the focus groups will vary based on their differing objectives:

(a) EDT Implementers Focus Group (non-RA)—For *non-RA implementers* of the EDT (RNs, case managers, social workers,), the objectives will include exploring: (1) How well it does or does not meet implementer goals of discharge; (2) experiences with rollout and implementation, including resources required for implementation; (3) impressions of the value, strengths and weaknesses of the EDT; and (4) unintended consequences or impacts on other ED operations. The focus groups will consist of 8 implementers. Three focus groups will be conducted, one for each pilot site.

(b) Research Assistant Focus Group—The three research assistants who will be implementing the EDT will participate in one focus group in which they discuss: (1) Experiences with implementation (including comparisons in their experiences across the three test sites; (2) possible areas for improvement; (3) unintended consequences or impacts on other ED operations.

(5) Key Informant Interviews—AHRQ will conduct semi-structured interviews with no more than twenty-four individuals that can be classified as either ED Directors, patients, or community care providers. These individuals will provide feedback on issues surfaced during the focus groups. This will provide an opportunity to delve more deeply into specific topics of interest. The interview guides are included as for patients, for community care providers, and for ED Directors.

(a) Patient Interviews—For the patients, the objective will be to explore: (1) The barriers they face in obtaining health care; (2) their experiences in the ED in visits prior to, and after, implementation of the EDT (3) their satisfaction with the care they received in the ED and their remaining unmet needs. Fifteen patients will be interviewed individually.

(b) Community Care Providers Interviews—For the post-ED care providers, the objectives are to explore challenges in communication and coordination for patients referred to them by the ED and the degree to which the EDT can address those challenges. Post-ED care provider focus group members will be drawn from Johns Hopkins Community Physicians, East-Baltimore Medical Center (a primary referral site for patients without primary care), and Healthcare for the Homeless, a not-for-profit organization in Baltimore, Maryland that provides health services, education and advocacy to people affected by homelessness. Six community care providers will be interviewed for this section.

(c) ED Directors Interviews—Interviews from ED Directors will occur to get their opinions of the EDT from their perspectives as the ultimate orchestrators of processes in the emergency room and decision-makers regarding operations (resources use, staffing). Three ED directors will be interviewed separately for this portion.

(6) Administrative and Observational Data—Quantitative outcome measures will come from an extraction of medical record data and direct observations performed by project RAs. Data will be extracted from hospital billing records and Electronic Medical Records (EMRs) and will include frequency of revisits, cost of 72-hour returns, cost of ED visits per 3 months, and the cost of implementing the EDT. To calculate costs of program implementation, RAs will observe the time required by social work, case management, and nursing staff to implement the interventions prescribed in the tool. They will also keep a log of the materials given to the patients as part of the intervention. To evaluate the percentage of patients evaluated for assistance or placement, RAs will observe case managers/social workers during their interaction with the patients. To evaluate the percentage of follow-up phone calls, the RAs will keep a log of attempts and actual contacts. Since these data collections involve RA observations, or extractions from existing medical records, they pose no burden to the hospital or public and therefore are not included in the burden estimates in Exhibits 1 and 2 below.

No pre-intervention measures will be collected because this is a feasibility study to evaluate the methodology and feasibility of collection of this data.

**Estimated Annual Respondent Burden**

Exhibit 1 shows the estimated annualized burden for the respondents' time to participate in this pilot test. A research assistant will use the EMR to screen patients for past frequent ED use. This step does not represent a participant burden. Based upon historical data at our three participating sites, we expect approximately 200 patients per week to qualify as ''frequent users'' at these sites. Based upon available resources and recruitment, we expect to enroll and use the EDT with approximately 50 of these patients per week at each site to identify their specific risk factors and tailor

interventions to their needs. Thus we will have a total of 900 patient participants (50 patients/per week * 6 weeks * 3 sites = 900 patients total). It will take about 20 minutes per patient to collect the data associated with the EDT. The one-month patient follow-up will be conducted with all 900 patients and will take 10 minutes to complete. The 3-month patient follow-up will be conducted with those patients identified as being uninsured and is estimated to take 5 minutes to complete.

Four focus groups will take place among RAs and non-RA EDT implementers. The first focus group will consist of three RAs who implemented the discharge tool. The other three separate focus groups will exclude RAs and include eight other ED personnel that implemented the discharge tool. The total annualized burden for these focus groups is estimated to be 54 hours.

As a follow-up to the focus groups, in-depth interviews will also be conducted with members from different stakeholder groups. Between 12 and 16 patients will be interviewed as well as three ED directors and six community healthcare providers. The interviews will be conducted in person and require one hour to complete. The total annualized burden for these interviews is estimated to be 30 hours.

Exhibit 2 shows the annualized cost burden associated with the respondents' time to participate in the pilot test. The total annualized cost burden is estimated to be $13,262.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

| Form name | Number of respondents | Number of responses per respondent | Hours per response | Total burden hours |
|---|---|---|---|---|
| **Pilot Test of the Emergency Department Discharge Tool (EDT)** | | | | |
| EDT | 900 | 1 | 20/60 | 300 |
| One Month Patient Follow-up | 900 | 1 | 10/60 | 150 |
| Three Month Patient Follow-up | 180 | 1 | 5/60 | 15 |
| **Implementer Focus Groups** | | | | |
| RA Focus Group | 3 | 1 | 2 | 6 |
| EDT Implementer (non-RA) #1 Focus Group | 8 | 1 | 2 | 16 |
| EDT Implementer (non-RA) #2 Focus Group | 8 | 1 | 2 | 16 |
| EDT Implementer (non-RA) #3 Focus Group | 8 | 1 | 2 | 16 |
| **Key Informant Interviews** | | | | |
| Community Healthcare Provider Interview | 6 | 1 | 2 | 12 |
| Patient Interview | 15 | 1 | 1 | 15 |
| ED Director Interview | 3 | 1 | 1 | 3 |
| Total | 2,031 | NA | NA | 549 |

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

| Form name | Number of respondents | Total burden hours | Average hourly wage rate* | Total cost burden |
|---|---|---|---|---|
| **Pilot Test of the Emergency Department Discharge Tool (EDT)** | | | | |
| EDT | 900 | 300 | [a] $22.01 | $6,603 |
| One Month Patient Follow-up | 900 | 150 | [a] 22.01 | 3,302 |
| Three Month Patient Follow-up | 180 | 15 | [a] 22.01 | 330 |
| **Implementer Focus Groups** | | | | |
| RA Focus Group | 3 | 6 | [d] 17.86 | 107 |
| EDT Implementer (non-RA) #1 Focus Group | 8 | 16 | [b] 27.42 | 439 |
| EDT Implementer (non-RA) #2 Focus Group | 8 | 16 | [b] 27.4 | 439 |
| EDT Implementer (non-RA) #3 Focus Group | 8 | 16 | [b] 27.42 | 439 |
| **Key Informant Interviews** | | | | |
| Community Healthcare Provider Focus Group | 6 | 12 | [c] 45.36 | 544 |
| Patient Interview | 15 | 15 | [a] 22.01 | 330 |
| ED Director Interview | 3 | 3 | [e] 97.30 | 292 |
| Total | 2,031 | 549 | NA | 12,825 |

* National Compensation Survey: Occupational wages in the United States May 2012, "U.S. Department of Labor, Bureau of Labor Statistics."
[a] based on the mean wages for All Occupations (00–0000).
[b] salary based upon average of: 2 nurses (29–1141), 2 case managers (29–1141), 2 social workers (21–1022), and 2 research assistants (19–4061).
[c] salary based upon average of: 2 physicians (29–1060), 2 nurses (29–1141), 2 case managers (29–1141), 2 social workers (21–1022).
[d] based on mean hourly wage of: Social Science Research Assistants (19–4061).
[e] based on mean annual wage of: Physicians and Surgeons (29–1060).

*Request for Comments*

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research, quality improvement and information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: January 16, 2014.

**Richard Kronick,**

*AHRQ Director.*

[FR Doc. 2014–01709 Filed 1–28–14; 8:45 am]

BILLING CODE 4160–90–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''SelectMD 2.0 Clinician Choice Experiment.'' In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), AHRQ invites the public to comment on this proposed information collection.

**DATES:** Comments on this notice must be received by March 31, 2014.

**ADDRESSES:** Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@ahrq.hhs.gov*. Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@ahrq.hhs.gov*.

**SUPPLEMENTARY INFORMATION:**

**Proposed Project**

*SelectMD 2.0 Clinician Choice Experiment*

This study builds on previous research conducted as part of the Consumer Assessment of Healthcare Providers and Systems (CAHPS) program to explore new ways of integrating patient comments with other performance metrics in web-based quality reports for consumers to support their choice of physicians. Our previous consumer choice study, referred to as SelectMD 1.0 (approved by OMB on 3/8/10 under OMB Control Number 0935–0161), revealed important risks and opportunities of using patient comments that require additional research in order to develop effective guidance for report sponsors. Sponsors of performance reports in both the public and private sectors, including Federal agencies such as the Centers for Medicare & Medicaid Services (CMS), have indicated strong interest in receiving such guidance on strategies for effectively incorporating patient comments to increase consumers' use of public reports and to enhance their ability to interpret CAHPS and other performance measures.

This follow-on study (referred to as SelectMD 2.0) will use an experimental design to test different methods of incorporating patient comments along with CAHPS survey results, the Healthcare Effectiveness Data and Information Set (HEDIS)-like measures of effective clinical treatments, and indicators of patient safety in web-based physician quality reports. The study will help AHRQ understand how people choose a doctor as their regular source of medical care and advice.

The study has three stages. In the first stage, respondents will be asked some questions about their health care experiences and how they go about choosing a doctor. In the second stage the respondents will log onto an experimental Web site that has information about a fictitious set of doctors from which to choose. Respondents will be asked to use the information on the Web site to select a doctor who they think would be the best for their health care needs. Although they will not really be selecting a doctor, they will be asked to consider the choice as carefully as if they were making it for themselves. In the third stage, following their selection of a doctor, respondents will answer a set of questions about how they made their choice of doctor, how useful they found the Web site, and how confident they were in the choice they made.

This research has the following goals:

(1) To expand on the findings from AHRQ's previous choice experiment regarding how including narrative patient comments in web-based physician quality reports influences the ways in which consumers learn about and select among clinicians, and

(2) to assess whether and how patient comments can be presented in a way that promotes learning about physician quality and complements rather than detracts from standardized measures of quality.

This study is being conducted by AHRQ through its contractors, RAND and Yale University, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

**Method of Collection**

To achieve the goals of this project the following data collections will be implemented over the three stages of the experiment:

(1) Pre-Choice Survey—The purpose of this survey is to measure the respondents' previous exposure to information on health care provider performance and how they go about choosing a physician.

(2) Experimental Web site—The purpose of this site is to present different combinations and displays of performance information that respondents will use to select a doctor. Respondents will be randomly assigned to one of eight different versions of the experimental SelectMD Web site that will vary according to the level of detail presented, how patient comments are grouped and labeled, whether respondents can choose which and how much information to review, and whether respondents have access to live telephone assistance when making their choices.

(3) Post-Choice Survey—The purpose of the post-choice survey is to assess how respondents made their doctor selection, how useful the Web site version assigned to them was in helping

to make their choice, and how confident they are in the choice they made. Responses to the post-choice survey will provide insights into which of the experimental Web site versions are more effective in supporting consumer choice of doctors and why.

The results of this study will be used to develop recommendations for helping consumers to better understand and more effectively use complex information to select health care providers, with the aim of making performance information less burdensome and more accessible, useful, and transparent to the public. In particular, the study findings will inform the design and content of the growing number of Web-based reports on provider performance incorporating patient comments along with other measures of quality. By adding to the evidence base on the types and combination of information that are most salient and useful to consumers in choosing among provider options, the study will make a significant contribution to improving current reporting initiatives. In addition, the simulated Web-based reports will be made available as examples for other report developers to use.

**Estimated Annual Respondent Burden**

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this experiment. The portion of the experiment involving respondent participation will take place over a period of approximately two months, once OMB approval has been received. All participants will complete the pre-choice survey, which is estimated to take 10 minutes. To assess the impact of their exposure to the SelectMD Web site, several questions on the initial pre-choice survey are replicated on the post-choice questionnaire. To reduce the likelihood that respondents will simply repeat the answers that they provided on the pre-choice survey (in an effort to appear consistent), it is essential to allow some time to elapse between the two surveys. Consequently, participants will not have access to the SelectMD Web site until one week after completing the pre-choice survey. Since we expect that about 5% of participants taking the pre-choice survey will not return to participate in the experiment one week later, the number of respondents initially required is 5% higher (1,575) than the full sample of 1,500 required for the experiment. We estimate based on our previous experience with the SelectMD 1.0 experiment that participants will require about 10 minutes to review the information on the Web site and select their preferred physician from the set of doctors available. The average time required to complete the post-choice survey is estimated to be 20 minutes. Consequently, respondents will average about 40 minutes completing all three phases of the study.

Exhibit 2 shows the respondents' cost burden for their time to participate in this experiment. The total cost burden is estimated to be $22,297.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

| Form name | Number of respondents | Number of responses per respondent | Hour per response (min/60) | Total burden-hours |
|---|---|---|---|---|
| Pre-Choice Survey | 1575 | 1 | 10/60 | 263 |
| Time on Website (Choosing MD) | 1500 | 1 | 10/60 | 250 |
| Post-Choice Survey | 1500 | 1 | 20/60 | 500 |
| **Total Hours** | 4,575 | na | na | 1,013 |

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

| Form name | Number of respondents | Total burden hours | Average hourly wage rate * | Total cost burden |
|---|---|---|---|---|
| Pre-Choice Survey | 1575 | 263 | $22.01 | $5,789 |
| Time on Website (Choosing MD) | 1500 | 250 | 22.01 | 5,503 |
| Post-Choice Survey | 1500 | 500 | 22.01 | 11,005 |
| **Total Cost** | ..... | ..... | ..... | 22,297 |

* Based upon the national mean hourly wage for all occupations from the "May 2012 Occupational Employment and Wage Estimates", U.S. Department of Labor, Bureau of Labor Statistics.

**Request for Comments**

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: January 16, 2014.

**Richard Kronick,**

*AHRQ Director.*

[FR Doc. 2014–01710 Filed 1–28–14; 8:45 am]

BILLING CODE 4160–90–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day–14–0210]**

### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

List of Ingredients Added to Tobacco in the Manufacture of Cigarette Products (OMB No. 0920–0210, exp. 2/28/2014)—Extension—Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The Centers for Disease Control and Prevention (CDC), Office on Smoking and Health (OSH) has the primary responsibility for the Department of Health and Human Services (HHS) smoking and health program. HHS's overall goal is to reduce death and disability resulting from cigarette smoking and other forms of tobacco use through programs of information, education and research.

Since 1986, as required by the Comprehensive Smoking Education Act of 1984 (CSEA, 15 U.S.C. 1336 or Pub. L. 98–474), CDC has collected information about the ingredients used in cigarette products. Respondents are commercial cigarette manufacturers, packagers, or importers (or their representatives), who are required by the CSEA to submit ingredient reports to HHS on an annual basis.

Respondents are not required to submit specific forms; however, they are required to submit a list of all ingredients used in their products. CDC requires the ingredient report to be submitted by chemical name and Chemical Abstract Service (CAS) Registration Number, consistent with accepted reporting practices for other companies currently required to report ingredients added to other consumer products. Typically, respondents submit a summary report to CDC with the ingredient information for multiple products, or a statement that there are no changes to their previously submitted ingredient report.

Ingredient reports for new products are due at the time of first importation. Thereafter, ingredient reports are due annually on March 31. Information is submitted to OSH by mailing a written report on the respondent's letterhead, by CD, three-inch floppy disk, or thumb drive. Electronic mail submissions are not accepted. Mail Annual Ingredient Submissions to Attention: FCLAA Program Manager, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 4770 Buford Highway, NE., MS F–79, Atlanta, GA 30341–3717.

Upon receipt and verification of the annual ingredient report, OSH issues a Certificate of Compliance to the respondent. OSH also uses the information to report to the Congress (as deemed appropriate) discussing the health effects of these ingredients.

There are no costs to respondents other than their time. The annualized number of respondents is 77 and the total estimated annualized burden hours are 501. OMB approval is requested for three years.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) |
|---|---|---|---|---|
| Cigarette Manufacturers, Packagers, and Importers | Ingredient Report | 77 | 1 | 6.5 |

**Leroy A. Richardson,**

*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2014–01648 Filed 1–28–14; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day–14–0338]**

### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

Annual Submission of the Ingredients Added to, and the Quantity of Nicotine Contained in, Smokeless Tobacco Manufactured, Imported, or Packaged in the U.S. (OMB No. 0920–0338, exp. 2/28/2014)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The Centers for Disease Control and Prevention (CDC), Office on Smoking and Health (OSH) has the primary responsibility for the Department of Health and Human Services (HHS) smoking and health program. HHS's overall goal is to reduce death and disability resulting from the use of smokeless tobacco products and other forms of tobacco use through programs of information, education and research.

Since 1994, as required by the Comprehensive Smokeless Tobacco Education Act of 1986 (CSTHEA, 15 U.S.C. 4401 *et seq.,* Pub. L. 99–252), CDC has collected information about the ingredients used in smokeless tobacco products and their nicotine content. Respondents are commercial smokeless tobacco product manufacturers, packagers, or importers (or their designated representatives), who are

required by the CSTHEA to submit ingredient reports to HHS on an annual basis. The legislation also authorizes HHS to undertake research, and to report to Congress, as deemed appropriate, about the health effects of these ingredients.

Respondents are not required to submit specific forms; however, they are required to meet reporting guidelines and to submit the ingredient report by chemical name and Chemical Abstract Service (CAS) Registration Number, consistent with accepted reporting practices for other companies currently required to report ingredients added to other consumer products. Typically, respondents submit a summary report to CDC with the ingredient information for multiple products, or a statement that there are no changes to their previously submitted ingredient report.

Ingredient reports for new products are due at the time of first importation. Thereafter, ingredient reports are due annually on March 31. Information is submitted to OSH by mailing a written report on the respondent's letterhead, by CD, three-inch floppy disk, or thumb drive. The information collection is subject to strict confidentiality provisions and electronic mail submissions are not accepted. Upon receipt and verification of the annual nicotine and ingredient report, OSH issues a Certificate of Compliance to the respondent.

OMB approval is requested for three years. There are no changes to information collection procedures, the estimated burden per response, or the estimated number of respondents. The total estimated annualized burden hours are 22,269. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) |
|---|---|---|---|---|
| Smokeless Tobacco Manufacturers, Packagers, and Importers. | SLT Nicotine and Ingredient and Report ..... | 13 | 1 | 1,713 |

**Leroy A. Richardson,**

*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2014–01649 Filed 1–28–14; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[Docket No. CDC–2014–0003]**

### Draft Guideline—Centers for Disease Control and Prevention Draft Guideline for the Prevention of Surgical Site Infections

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS) requests public comment on the Draft Guideline for the Prevention of Surgical Site Infections (SSIs) (draft Guideline). The Draft Guideline addresses new and updated strategies for the prevention of SSI in healthcare settings. This draft Guideline can be found at *http://www.regulations.gov* Docket No. CDC–2014–0003. CDC is also publishing the supporting appendices that include primary evidence, study evaluation, and data evaluation tables that were used in developing the draft Guideline recommendations at *http://www.regulations.gov.*

The draft Guideline is designed for use by infection prevention staff, healthcare epidemiologists, administrators, nurses, and personnel responsible for developing, implementing, and evaluating infection prevention and control programs for healthcare settings across the continuum of care. The recommendations contained in the draft Guideline are based on a targeted systematic review of the best available evidence for specific topics related to the prevention of surgical site infections (SSI).

**DATES:** Comments must be received on or before February 28, 2014.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2014–0003, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Division of Healthcare Quality Promotion, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention, Attn: Guideline for the Prevention of Surgical Site Infections, Docket No. CDC–2014–0003, 1600 Clifton Road NE., Mailstop A07, Atlanta, Georgia 30333.

*Instructions:* All submissions received must include the agency name and docket number or RIN. All relevant public comments received will be posted publicly to *www.regulations.gov* without change, including any personal or proprietary information provided. To download an electronic version of the draft Guideline and appendices, access *http://www.regulations.gov.*

Written materials identified by Docket No. CDC–2014–0003 will be available during the comment period for public inspection Monday through Friday, except for legal holidays, 9 a.m. until 4:30 p.m. Eastern Standard Time, at CDC Library, 1600 Clifton Road NE., Atlanta, Georgia 30333. Please call ahead to (404) 639–1717 and request a Library representative schedule your visit. All public comments will be reviewed and considered prior to finalizing the draft Guideline.

**FOR FURTHER INFORMATION CONTACT:** Erin Stone, Division of Healthcare Quality Promotion, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop A–31, Atlanta, Georgia 30333; Telephone: (404) 639–4000.

**SUPPLEMENTARY INFORMATION:** Since 2010 CDC has collaborated with national partners, academicians, public and private health professionals, and other partners to create this draft Guideline. Additionally, CDC sought input in each phase of development from subject matter experts in surgery, infectious diseases, and orthopedics through a Guideline Expert Panel formed to develop the new draft Guideline. CDC also received input from the Healthcare Infection Control Practices Advisory Committee (HICPAC) throughout the development of the draft Guideline. HICPAC includes representatives from public health,

infectious diseases, regulatory and other federal agencies, professional societies, and other stakeholders. This new draft Guideline will not be a federal rule or regulation.

Dated: January 22, 2014.

**Stacey Hoffman,**

*Acting Director, Division of Executive Secretariat Centers for Disease Control and Prevention.*

[FR Doc. 2014–01674 Filed 1–28–14; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Influenza Diagnostic Testing and Reporting

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** General notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) is seeking to assess new technologies that improve rapid influenza diagnostic testing and supplement national laboratory-based surveillance for human influenza infections. In particular, the Influenza Division within the National Center for Immunization and Respiratory Diseases (NCIRD) at HHS/CDC proposes to evaluate new or improved point of care diagnostic tests for influenza virus detection that incorporate the capability to transmit influenza diagnostic test results electronically, such as through wireless communication technology, for more timely diagnosis of human influenza and/or other respiratory pathogen infections in outpatient/ambulatory and emergency room healthcare practices.

**DATES:** HHS/CDC will accept inquiries/proposals until December 31, 2015.

**ADDRESSES:** You may submit your inquiry/proposal by email: *FluDiagnosticTests@cdc.gov.*

All information submitted to HHS/CDC will be kept confidential as allowed by relevant federal law, including the Freedom of Information Act (5 U.S.C. 552) and the Trade Secrets Act (18 U.S.C. 1905). Responses are preferred in electronic format. CDC does not intend to publish the results of these evaluations.

**FOR FURTHER INFORMATION CONTACT:** Influenza Division, Centers for Disease Control and Prevention. Email: *FluDiagnosticTests@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** HHS/CDC uses epidemiologic, laboratory, clinical, and biostatistical sciences to prevent and control vaccine preventable infectious diseases. HHS/CDC also conducts applied research in a variety of settings, and translates the findings of this research into public health practice. HHS/CDC/NCIRD Influenza Division has lead technical responsibility for research, development, and evaluation of diagnostic tools for influenza and application of these to national surveillance and epidemiologic studies of influenza. Improving influenza diagnostic testing is part of HHS/CDC/NCIRD Influenza Division's strategic plan and includes support of the development of expanded respiratory pathogen tests on existing test platforms; development of advanced sequence detection methods for identifying novel influenza strains with pandemic potential; rapid identification of antiviral resistant influenza strains; rapid identification of influenza immunological response to determine the presence or absence of circulating antibodies specific for influenza viruses; and the development and characterization of stable diagnostic reagents or reference material and controls, for application with existing diagnostic test systems on established platforms.

HHS/CDC/NCIRD Influenza Division seeks to collaborate on evaluations of any new or improved diagnostic tests for the detection of human influenza viruses. The tests may range from high complexity molecular assays providing genetic sequence information to point of care type tests that facilitate more timely diagnosis of human influenza infections and/or other respiratory pathogen infections in ambulatory and emergency room healthcare practices. Assays should present sensitivity and specificity higher than currently available products.

For commercial products with approval for use by the US Food and Drug Administration (FDA), HHS/CDC/NCIRD Influenza Division is seeking to evaluate the potential supplementation of current national laboratory-based influenza surveillance data with influenza test result data that can be transmitted directly to a public health entity (state, local, or CDC) from the test platform electronically, such as through wireless technology. Direct test platform-based reporting capability has been newly established. Current surveillance incorporates data from healthcare provider offices and laboratories through manual or automated reporting functions; however, most of the current testing platforms do not have the capacity to directly transmit reports. Such reports represent a new data source and thus require evaluation and determination of appropriate data use agreements.

HHS/CDC/NCIRD Influenza Division is also interested in collaborating with organizations working on validation of novel and improved respiratory specimen collection materials and methods that can enable reliable and consistent self-collection or collection by non-expert personnel. Data obtained from the evaluation can be compared through analytical assessments and be used by HHS/CDC in making recommendations and decisions for diagnosis of influenza in the health setting. Products may be evaluated at HHS/CDC and/or at collaborating laboratories and if appropriate, may be used in epidemiologic validation studies.

Interested organizations that have candidate products are invited to approach the HHS/CDC/NCIRD Influenza Division to assess whether the available product(s) are at a sufficient stage of development and how HHS/CDC can collaborate on evaluations and comparative analysis.

#### Information To Submit

At a minimum, submitted information should include the following for each candidate product: (a) Product package insert or detailed instructions for use; (b) Detailed information to determine if the product is calibrated to a recognized standard; (c) Preliminary data demonstrating suitability for validation studies and clinical trial data on sensitivity and specificity; (d) Whether the product is FDA approved; and (e) Statement of how HHS/CDC/NCIRD Influenza Division could collaborate on product evaluation or further development.

Dated: January 22, 2014.

**Stacey Hoffman,**

*Acting Director, Division of Executive Secretariat Centers for Disease Control and Prevention.*

[FR Doc. 2014–01670 Filed 1–28–14; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifiers: CMS–10485, CMS–417, CMS–10277, and CMS–10260]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: the necessity and utility of the proposed information collection for the proper performance of the agency's functions; the accuracy of the estimated burden; ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by February 28, 2014.

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *or* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New Collection (Request for a new OMB control number); *Title of Information Collection:* Evaluation of the Multi-Payer Advanced Primary Care Practice (MAPCP) Demonstration: Provider Survey; *Use:* On September 16, 2009, the Department of Health and Human Services announced the establishment of the Multi-payer Advanced Primary Care Practice (MAPCP) Demonstration, under which Medicare joined Medicaid and private insurers as a payer participant in state-sponsored patient-centered medical home (PCMH) initiatives. We selected eight states to participate in this demonstration: Maine, Vermont, Rhode Island, New York, Pennsylvania, North Carolina, Michigan, and Minnesota.

We are proposing to conduct this provider survey to understand how participating practices' structures and functions vary, particularly with respect to their adoption of different components of the PCMH model of care. Researchers evaluating the MAPCP Demonstration plan to combine these survey data with claims data to conduct statistical analyses that identify which particular medical home care processes are associated with the largest gains in health care quality and reductions in health care cost trends. Subsequent to the publication of the 60-day **Federal Register** notice (78 FR 41931), revisions have been made to the survey. There has been a slight increase in the annual burden hours. *Form Number:* CMS–10485 (OCN: 0938–NEW); *Frequency:* Annually; *Affected Public:* Individuals and households; *Number of Respondents:* 5,799; *Total Annual Responses:* 5,799; *Total Annual Hours:* 1,740. (For policy questions regarding this collection contact Suzanne Wensky at 410–786–0226.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Hospice Request for Certification and Supporting Regulations; *Use:* The Hospice Request for Certification Form is the identification and screening form used to initiate the certification process and to determine if the provider has sufficient personnel to participate in the Medicare program. Subsequent to the publication of the 60-day **Federal Register** notice (78 FR 65656), minor changes were made to the form. *Form Number:* CMS–417 (OCN: 0938–0313); *Frequency:* Annually; *Affected Public:* Private Sector (Business or other for-profits); *Number of Respondents:* 3,807; *Total Annual Responses:* 3,807; *Total Annual Hours:* 952. (For policy questions regarding this collection contact Patricia Sevast at 410–786–8135).

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Hospice Conditions of Participation and Supporting Regulations; *Use:* The Conditions of Participation and accompanying requirements are used by Federal or State surveyors as a basis for determining whether a hospice qualifies for approval or re-approval under Medicare. The healthcare industry and CMS believe that the availability to the hospice of the type of records and general content of records, which the final rule (72 FR 32088) specifies, is standard medical practice, and is necessary in order to ensure the well-being and safety of patients and professional treatment accountability. *Form Number:* CMS–10277 (OCN: 0938–1067); *Frequency:* Reporting and Recordkeeping—Yearly; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 3,897; *Total Annual Responses:* 1,535,919; *Total Annual Hours:* 1,625,440. (For policy questions regarding this collection contact Danielle Shearer at 410–786–6617.)

4. *Type of Information Collection Request:* Reinstatement with change of a

previously approved collection; *Title of Information Collection:* Medicare Advantage and Prescription Drug Program: Final Marketing Provisions; *Use:* We require that Medicare Advantage (MA) organizations and Part D sponsors use standardized documents to satisfy disclosure requirements mandated by section 1851(d)(3)(A) of the Social Security Act (Act) and 42 CFR 422.111(b) for MA organizations, and section 1860D–1(c) of the Act and 42 CFR 423.128(a)(3) for Part D sponsors. The regulatory provisions require that MA organizations and Part D sponsors disclose plan information, including: Service area, benefits, access, grievance and appeals procedures, and quality improvement and quality assurance requirements by September 30th of each year. The MA organizations and Part D sponsors use the information to comply with the disclosure requirements. We will use the approved standardized documents to ensure that correct information is disclosed to current and potential enrollees. The package has been revised subsequent to the publication of the 60-day notice (78 FR 63208). *Form Number:* CMS–10260 (OCN: 0938–1051); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 770; *Total Annual Responses:* 770; *Total Annual Hours:* 9,240. (For policy questions regarding this collection contact Timothy Roe at 410–786–2006.)

Dated: January 24, 2014.

**Martique Jones,**

*Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2014–01775 Filed 1–28–14; 8:45 am]

BILLING CODE 4120–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[CMS–3290–PN]**

### Medicare and Medicaid Programs: Application From the Joint Commission for Continued Approval of Its Hospital Accreditation Program

**AGENCY:** Centers for Medicare and Medicaid Services, HHS.

**ACTION:** Proposed notice.

**SUMMARY:** This proposed notice acknowledges the receipt of an application from the Joint Commission for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs. Section 1865(b)(3)(A) of the Social Security Act (the Act) requires that within 60 days of receipt of an organization's complete application, CMS publish a notice that identifies the national accrediting body making the request, describes the nature of the request, and provides at least a 30-day public comment period.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on February 28, 2014.

**ADDRESSES:** In commenting, please refer to file code CMS–3290–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3290–PN, P.O. Box 8016, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3290–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments to the following addresses:

a. For delivery in Washington, DC—

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—

Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Monda Shaver, (410) 786–3410, Cindy Melanson, (410) 786–0310, or Patricia Chmielewski, (410) 786–6899.

**SUPPLEMENTARY INFORMATION:** *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

### I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a hospital provided certain requirements are met. Sections 1861(e) of the Social Security Act (the Act), establish distinct criteria for facilities seeking designation as a hospital. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 482 specify the minimum conditions that a hospital must meet to participate in the Medicare program.

Generally, to enter into an agreement, a hospital must first be certified by a state survey agency as complying with

the conditions or requirements set forth in part 482 of our regulations. Thereafter, the hospital is subject to regular surveys by a state survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by state agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for approval of its accreditation program under part 488, subpart A, must provide us with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at §§ 488.4 and 488.8(d)(3). The regulations at § 488.8(d)(3) require accrediting organizations to reapply for continued approval of its accreditation program every 6 years or sooner as determined by us.

The Joint Commission's current term of approval for their hospital accreditation program expires July 15, 2014.

## II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.8(a) require that our findings concerning review and approval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide us with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of the Joint Commission's request for continued approval of its hospital accreditation program. This notice also solicits public comment on whether the Joint Commission's requirements meet or exceed the Medicare conditions of participation (CoPs) for hospitals.

## III. Evaluation of Deeming Authority Request

The Joint Commission submitted all the necessary materials to enable us to make a determination concerning its request for continued approval of its hospital accreditation program. This application was determined to be complete on December 17, 2013. Under section 1865(a)(2) of the Act and our regulations at § 488.8 (Federal review of accrediting organizations), our review and evaluation of the Joint Commission will be conducted in accordance with, but not necessarily limited to, the following factors:

• The equivalency of the Joint Commission's standards for hospitals as compared with CMS' hospital CoPs.

• The Joint Commission's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

++ The comparability of the Joint Commission's processes to those of state agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ The Joint Commission's processes and procedures for monitoring a hospital found out of compliance with the Joint Commission's program requirements. These monitoring procedures are used only when the Joint Commission identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the state survey agency monitors corrections as specified at § 488.7(d).

++ The Joint Commission's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ The Joint Commission's capacity to provide us with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of the Joint Commission's staff and other resources, and its financial viability.

++ The Joint Commission's capacity to adequately fund required surveys.

++ The Joint Commission's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ The Joint Commission's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require (including corrective action plans).

## IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

## V. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

**Authority:** (Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: January 15, 2014.

**Marilyn Tavenner,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 2014–01639 Filed 1–28–14; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[CMS–3293–N]**

### Medicare Program; Physician Compare Town Hall Meeting, February 24, 2014

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a Town Hall meeting to solicit input from stakeholders on the future of the Physician Compare Web site. Stakeholders will be able to participate in the session in person and via telephone. Following a short initial presentation, the meeting agenda will provide the opportunity for on-site session attendees to give brief three-minute comments on the issues of interest. As time allows, telephone participants will also have the opportunity to provide brief three-minute comments on these issues. The meeting is open to the public, but attendance is limited to space available.

**DATES:** *Registration Date:* All participants must register by Monday, February 17, 2014. Requests for special accommodations must be received no later than 5:00 p.m., Eastern Standard Time (e.s.t.) on Friday, February, 21, 2014.

*Meeting Date:* Monday, February 24, 2014, from 1:00 p.m. to 5:00 p.m. e.s.t.; check-in will begin at 12:00 p.m. e.s.t.

**ADDRESSES:** Main auditorium (Central building) at the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244.

*Written Questions or Statements:* Any interested party may send written comments by mail or electronically. We will accept written testimony, questions, or other statements, not to exceed two single-spaced, typed pages, before the meeting, and up until March 3, 2014, at 5:00 p.m. e.s.t. Send written testimony, questions, or other statements to: Division of Electronic and Clinician Quality (DECQ), Mailstop S3–02–01, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore Maryland 21244–1850, Attention: Rashaan Byers or Regina Chell, or, *PhysicianCompare@Westat.com.*

**FOR FURTHER INFORMATION CONTACT:** Rashaan Byers, (410) 786–2305, *rashaan.byers@cms.hhs.gov,* or Regina Chell, (410) 786–6551, *regina.chell@cms.hhs.gov.*

You may also send inquires about this meeting via email to *PhysicianCompare@Westat.com.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

Section 10331(a) of the Patient Protection and Affordable Care Act (Pub. L. 111–148, enacted on March 23, 2010, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111–15, and collectively known as the Affordable Care Act) requires by January 1, 2013, and with respect to reporting periods that begin no earlier than January 1, 2012, that CMS develop a plan for making publicly available through Physician Compare information on physician performance that provides comparable information on quality and patient experience measures. We met this requirement ahead of the deadline, and continue to build on the plan through rulemaking.

Specifically, we began finalizing the first phase of the plan in the 2012 Physician Fee Schedule (PFS) final rule with comment period (76 FR 73417) and the 2013 PFS final rule with comment period (77 FR 69166) to add quality data to Physician Compare via a phased approach. According to this plan, we will post the first set of measure data on the site in early 2014, reflecting data collected in program year 2012, if technically feasible. These data will include Physician Quality Reporting System (PQRS) Group Practice Reporting Option (GPRO) measures for group practices and Accountable Care Organizations (ACOs) collected via the web interface. In the 2014 PFS final rule with comment period (78 FR 74229), we further built on the plan for public reporting including PQRS GPRO Registry and EHR measures in addition to a larger pool of web interface measures, as well as Clinician and Group Consumer Assessment of Healthcare Providers and Systems (CG–CAHPS) measures for certain group practices and ACOs. We also finalized public reporting of 2014 individual quality measures in calendar year (CY) 2015 as specified in the 2014 PFS rule, if technically feasible.

Since Physician Compare's inception in 2010, we have been working continually to enhance the site and its functionality, improve the information available, and include more and increasingly useful information about physicians and other healthcare professionals who take part in Medicare. This effort, along with the addition of quality measures on the site, will help it serve its two-fold purpose:

- To provide information for consumers to encourage informed healthcare decisions; and,
- To create explicit incentives for physicians to maximize performance.

In an effort to maximize Physician Compare and make it as useful and beneficial as possible for consumers, we are seeking input regarding the types of information that could potentially be included on Physician Compare in the future. This Town Hall meeting is an opportunity to provide feedback and suggestions regarding the future of public reporting on Physician Compare. We are looking to receive input on questions such as,

- What types of measures could be most useful to consumers?
- What measures would most accurately identify quality care?
- What measures would most accurately/completely represent the various Medicare specialties?
- What non-CMS measures should potentially be considered for Physician Compare and what are the logistical means of obtaining these measure data?
- Is it appropriate to reduce the length of the measure preview period from 30 days to 2 weeks?

We are also seeking input regarding the inclusion of additional information that may be of interest to consumers. Specifically, we are looking to receive input on questions such as,

- Is there additional Board Certification information we should consider including on Physician Compare?
- What other types of quality improvement programs or quality initiatives should we potentially consider publishing participation information for?
- Are there additional medical qualifications we should consider publishing on Physician Compare?
- Is there additional healthcare professional or group practice information we should include on Physician Compare, such as office hours or Web site addresses, etc.?

For all of the above questions, we also seek input on accessing the most up-to-date and accurate data sources for this information.

## II. Meeting Format

The initial portion of the meeting will be a short background presentation on the Physician Compare Web site and public reporting plan to date, followed by a presentation setting out the key issues of interest for the day. The remainder of the meeting will be reserved for individual statements from interested parties.

Time for participants to make a statement will be limited according to

the number of registered participants. Therefore, individuals who wish to make a statement must send an email to *PhysicianCompare@Westat.com* as soon as possible to register for the meeting and to sign up to make a statement. Participants will be permitted to speak in the order in which they sign up starting with participants who attend in person and followed by participants who attend via telephone. Comments from individuals not registered to speak will be heard after scheduled statements, only if time permits. Written submissions will also be accepted through March 3, 2014 at 5:00 p.m. e.s.t.

**III. Registration Instructions**

The Division of Electronic and Clinician Quality (DECQ) within the Center for Clinical Standards and Quality (CCSQ) of CMS is coordinating the meeting registration for the Town Hall Meeting. Although there is no registration fee, individuals must register to attend. You may register by sending an email to *PhysicianCompare@Westat.com.* Please use the subject line ''Physician Compare Town Hall Registration'' and include your name, address, telephone number, email address, and, if available, fax number. Indicate if you wish to participate in person or via telephone. You will receive a registration confirmation with instructions for your arrival at the CMS complex or for accessing the meeting via telephone. If capacity has been reached, you will be notified that the meeting has reached capacity.

Individuals requiring sign language interpretation or other special accommodations must send an email to *PhysicianCompare@Westat.com* indicating the needed accommodations by the date listed in the **DATES** section of this notice.

**IV. Security, Building, and Parking Guidelines**

Because this meeting will be located on federal property, for security reasons, any persons wishing to attend this meeting must register by close of business on the date specified in the **DATES** section of this notice. Individuals who have not registered in advance will not be allowed to enter the building to attend the meeting. Seating capacity is limited to the first 250 registrants.

The on-site check-in for visitors starts at 12:00 p.m. e.s.t. on the day of the meeting. Please allow sufficient time to go through the security checkpoints. It is suggested that you arrive at 7500 Security Boulevard no later than 12:30 p.m. so that you will be able to arrive promptly at the meeting by 1:00 p.m. All items brought to the building, whether personal or for the purpose of demonstration or to support a presentation, are subject to inspection.

Security measures will include inspection of vehicles, inside and out, at the entrance to the grounds. Visitors to the complex are required to show a valid U.S. Government issued photo identification, preferably a driver's license, at the time of entry. In addition, all persons entering the building must pass through a metal detector. All items brought to CMS, including personal items such as laptops, cell phones, smart phones, tablets, etc. are subject to physical inspection.

**Authority:** (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: January 23, 2014.

**Marilyn Tavenner,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 2014–01642 Filed 1–28–14; 8:45 am]

**BILLING CODE 4120–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Government-Owned Inventions; Availability for Licensing

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

**FOR FURTHER INFORMATION CONTACT:** Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

**Novel Targets To Prevent Borrelia burgdorferi Infection and Lyme Disease**

*Description of Technology: B. burgdorferi*-infected ticks can cause Lyme disease in mammalian hosts. This technology relates to the use of *B. burgdorferi* outer surface proteins (BBA64 and BBA66) as Lyme disease vaccine candidates. *In vivo* animal studies demonstrate these outer surface proteins inhibit tick-to-host *B. burgdorferi* transmission. Presently, there is no vaccine approved for Lyme disease.

This technology may also be used for creation of antibodies directed against *B. burgdorferi.* Thus, this innovation may prevent *B. burgdorferi* infection by passive immunity and provide new diagnostic tools, which will allow early intervention.

*Potential Commercial Applications:*

- *B. burgdorferi*/Lyme disease vaccine development
- *B. burgdorferi* diagnostics
- Prevention of *B. burgdorferi* infection by passive immunity
- Zoonotic/tick-borne disease surveillance
- Public health vaccination programs against Lyme disease

*Competitive Advantages:* Currently no approved Lyme disease vaccines

*Development Stage:*

- Early-stage
- In vitro data available
- In vivo data available (animal)

*Inventor:* Robert D. Gilmore (CDC)

*Publication:* Patton TG, et al. Borrelia burgdorferi bba66 gene inactivation results in attenuated mouse infection by tick transmission. Infect Immun. 2013 Jul;81(7):2488–98. [PMID 23630963]

*Intellectual Property:* HHS Reference No. E–573–2013/0—US Provisional Application No 61/814,741 filed 22 Apr 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Real-Time RT–PCR Assay for Detection and Quantification of Hepatitis D Virus Infection**

*Description of Technology:* CDC scientists have developed a one-step TaqMan quantitative/real-time reverse transcription-polymerase chain reaction (qRT–PCR) assay for detecting hepatitis D virus (HDV) RNA. Additionally, a quantifiable synthetic RNA control to determine viral load has been created.

HDV is an operatively defective virus that requires hepatitis B virus (HBV) surface antigen (HBsAg) for its assembly. Compared to individuals infected with HBV alone, individuals infected with both HDV and HBV

viruses present with more severe hepatitis, progress to liver disease more quickly, and have a higher mortality rate. Currently, there are no regulated tests available for detection and quantification of HDV RNA. This assay directly addresses this unmet need and has been validated with clinical samples of HDV genotypes 1 and 3. It has the potential to detect all eight HDV genotypes.

*Potential Commercial Applications:*

- Development of a commercial nucleic acid assay for diagnosis of current hepatitis D virus (HDV) infection
- Public health and vaccination programs
- Testing of individuals infected with hepatitis B and/or liver disease

*Competitive Advantages:*

- Rapid, accurate, inexpensive and stable
- Unique RNA transcript for this assay can be successfully used as a quantitative standard
- Current anti-HDV antibody assay identifies individuals exposed to HDV, but cannot identify current infection
- Easily adapted for inclusion in a hepatitis testing kit, especially when paired with a hepatitis B diagnostic

*Development Stage:*

- Pre-clinical
- In vitro data available

*Inventors:* Maja Kodani, Tonya Mixson-Hayden, Saleem Kamili (all of CDC)

*Publication:* Kodani M, et al. One-step real-time PCR assay for detection and quantitation of hepatitis D virus RNA. J Virol Methods. 2013 Nov;193(2):531–5. [PMID 23896020]

*Intellectual Property:* HHS Reference No. E–510–2013/0—US Provisional Application No. 61/792,293 filed 15 Mar 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Reduced Virulence Crimean-Congo Hemorrhagic Fever Virus for Vaccine Development**

*Description of Technology:* This invention relates to a genetically modified hemorrhagic fever virus that can be used as an effective live vaccine agent. Hemorrhagic fever evades the human immune response using the viral ovarian tumor domain (vOTU) protease, which inhibits critical host-immunity functions. The present genetically modified virus has a vOTU protease with decreased ability to remove ubiquitin (Ub) and ISG15 tags from proteins in cells it infects. Thus, the virulence is reduced, creating an immunogenic and non-pathogenic virus for use as a live vaccine against Crimean-Congo hemorrhagic fever (CCHF) virus. Unlike strains with complete ablation of the vOTU protease, the present modified virus retains enough activity for replication in a human cell line, making vaccine production possible. This technology may be used to create vaccines or therapeutics for other nairoviruses, including the Dugbe, Hazara, and Nairobi sheep disease viruses.

*Potential Commercial Applications:* Development of vaccines or therapeutics for CCHF virus and other nairoviruses, including Dugbe, Hazara and Nairobi sheep disease viruses

*Competitive Advantages:*

- Increased safety for CCHF laboratory research (Biosafety Level 2)
- Use of human cell lines allows large-scale manufacturing of vaccines
- vOTU domain-disruption may be used to develop vaccines for all nairovirus viruses affecting humans and/or livestock

*Development Stage:*

- Pre-clinical
- In vitro data available

*Inventors:* Eric Bergeron (CDC), Stuart T. Nichol (CDC), et al.

*Publications:*

1. Bergeron E, et al. Crimean-Congo hemorrhagic fever virus-encoded ovarian tumor protease activity is dispensable for virus RNA polymerase function. J Virol. 2010 Jan;84(1):216–26. [PMID 19864393]
2. Capodagli GC, et al. Structural analysis of a viral ovarian tumor domain protease from the Crimean-Congo hemorrhagic fever virus in complex with covalently bonded ubiquitin. J Virol. 2011 Apr;85(7):3621–30. [PMID 21228232]

*Intellectual Property:* HHS Reference No. E–486–2013/0—

- US Provisional Application No. 61/683,132 filed 14 Aug 2012
- US Patent Application No. 13/829,105 filed 14 Mar 2013
- PCT Application No. PCT/US13/54760 filed 13 Aug 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Human Influenza Virus Real-Time RT–PCR Detection and Characterization Panel**

*Description of Technology:* This invention relates to methods of rapidly detecting influenza, including differentiating between type and subtype. Unlike culture and serological tests requiring 5 to 14 days for completion, CDC researchers developed a rapid, accurate assay, which is easily adapted to kit form. This assay also requires less labor input than immunoassays. These methods can be used to quickly identify a broad variety of influenza types and subtypes, including viruses that may be involved in pandemics (such as H5N1, for example).

*Potential Commercial Applications:*

- Influenza diagnostic using clinical specimens
- High-throughput screenings
- Influenza surveillance programs

*Competitive Advantages:*

- Already FDA approved
- Especially useful for H5N1 screening
- Sensitive detection
- Specific discrimination of influenza subtypes
- Easily formatted as kit or array
- Faster than culturing and serological identification methods
- Less laborious and more objective than immunoassays

*Development Stage:* In vitro data available

*Inventors:* Stephen Lindstrom, Alexander I. Klimov, Nancy J. Cox, Lamorris Loftin (all of CDC)

*Publication:* Jernigan DB, et al. Detecting 2009 pandemic influenza A (H1N1) virus infection: availability of diagnostic testing led to rapid pandemic response. Clin Infect Dis. 2011 Jan 1;52 Suppl 1:S36–43. [PMID 21342897]

*Intellectual Property:* HHS Reference No. E–331–2013/0—

- PCT Application No. PCT/US2007/003646 filed 12 Feb 2007, which published as WO 2007/095155 on 23 Aug 2007
- US Patent No. 8,241,853 issued 14 Aug 2012
- US Patent No. 8,568,981 issued 29 Oct 2013
- US Patent Application No. 14/056,810 filed 17 Oct 2013
- Various international patent applications pending or issued

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Peptide Vaccines Against Group A Streptococci**

*Description of Technology:* This invention relates to synthetic immunoreactive peptides, which are portions of the M proteins of the most prevalent Group A Streptococcus (GAS) serotypes in the United States. These peptides may be useful in development of a flexible, multivalent GAS vaccine. They can be recognized by M type-specific antibodies and are capable of eliciting functional opsonic antibodies. Additionally, the peptides or isolated antibodies raised in response to the peptides may be useful for GAS diagnostics.

*Potential Commercial Applications:*
- Group A streptococci (GAS) vaccine
- GAS therapeutics and diagnostics
- Lab tools for exploring GAS

*Competitive Advantages:*
- Easily adaptable to kit form
- Multivalent vaccine that can be tailored for protection against specific GAS serotypes affecting a particular population

*Development Stage:*
- Pre-clinical
- In vitro data available
- In vivo data available (animal)

*Inventors:* Bernard W. Beall, George M. Carlone, Jacquelyn S. Sampson, Edwin W. Ades (all of CDC)

*Publication:* Bruner M, et al. Evaluation of synthetic, M type-specific peptides as antigens in a multivalent group A streptococcal vaccine. Vaccine. 2003 Jun 20;21(21–22):2698–703. [PMID 12798606]

*Intellectual Property:* HHS Reference No. E–330–2013/0—
- US Patent No. 7,407,664 issued 05 Aug 2008
- US Patent No. 7,883,710 issued 08 Feb 2011
- US Patent No. 8,420,107 issued 16 Apr 2013
- US Patent Application No. 13/846,166 filed 18 Mar 2013
- Various international patent applications pending or issued

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Method of Enhancing Opsonophagocytosis**

*Description of Technology:* This invention aims to bolster the human body's own mechanisms to fight infection by enhancing an innate immune response, opsonophagocytosis. The specific 24 amino acid sequence (P4) acts as a polymorphonuclear cell activator. P4 can be administered *in vivo* along with a disease's specific antibody to enhance systemic bacterial clearance, thus leading to prolonged survival. This technology enhances the body's response to infections such as *S. pneumoniae* and *S. aureus.*

*Potential Commercial Applications:*
- Opsonic therapy
- Passive immunization
- Enhancement of pathogen clearing
- Synergistic use with other therapies

*Competitive Advantages:*
- Multiple *in vivo* studies indicate significant improvements in recipient outcomes
- Highly adaptable and can be combined with a number of alternate therapies
- Enhances opsonophagocytosis to achieve therapeutically effective results

*Development Stage:*
- Pre-clinical
- In vitro data available
- In vivo data available (animal)

*Inventors:* Edwin W. Ades, et al. (CDC)

*Publications:*

1. Melnick N, et al. Evaluation of a novel therapeutic approach to treating severe pneumococcal infection using a mouse model. Clin Vaccine Immunol. 2009 Jun;16(6):806–10. [PMID 19386795]
2. Weeks JN, et al. Immunotherapy with a combination of intravenous immune globulin and p4 peptide rescues mice from postinfluenza pneumococcal pneumonia. Antimicrob Agents Chemother. 2011 May;55(5):2276–81. [PMID 21383090]
3. Bangert M, et al. P4-mediated antibody therapy in an acute model of invasive pneumococcal disease. J Infect Dis. 2012 May 1;205(9):1399–407. [PMID 22457294]

*Intellectual Property:* HHS Reference No. E–329–2013/0—
- PCT Application No. PCT/US2009/052384 filed 31 Jul 2009, which published as WO 2010/14888 on 04 Feb 2010
- US Patent No. 8,431,134 issued 30 Apr 2013
- US Patent Application No. 13/851,508 filed 27 Mar 2013
- Various international applications pending or issued

*Related Technologies:* HHS Reference No. E–338–2013/0—
- PCT Application No. PCT/US2005/027290 filed 29 Jul 2005, which published as WO 2006/127020 on 30 Nov 2006
- US Patent No. 7,919,104 issued 05 Apr 2011
- Australia Patent No. 2005332058 issued 15 Mar 2012
- Various international patent applications pending or issued

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

*Collaborative Research Opportunity:* The Centers for Disease Control and Prevention (CDC) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Methods and Tools for Enhancing Opsonophagocytosis in Response to a Pathogen. For collaboration opportunities, please contact Suzanne Shope at *sshope@cdc.gov* or 770–488–8613.

**Novel Live-Attenuated Rabies Vaccine**

*Description of Technology:* The critical feature of this technology is the Evelyn-Rokitnicki-Abelseth (ERA) rabies whole genome DNA sequence. With the availability of the entire rabies genome, a recombinant vaccine can be developed using reverse genetics. Using this technology, CDC researchers have developed a recombinant, live-attenuated vaccine shown to confer protection against lethal doses of live, street-rabies virus in multiple survival studies. This vaccine offers better protection than traditional inactivated vaccinations, as demonstrated in co-infection studies. Further, a single intramuscular vaccination with the CDC's attenuated-virus was sufficient for survival of 100% of hamsters and mice following lethal challenge.

*Potential Commercial Applications:*
- Rabies vaccine design and development
- Immunogenic compositions for both prevention and treatment of rabies virus
- Rabies virus research

*Competitive Advantages:*
- Live attenuated vaccine shows greater efficacy than older inactivated vaccine
- 100% animal survival conferred by a single inoculation before lethal challenge

*Development Stage:*
- Pre-clinical
- In vitro data available
- In vivo data available (animal)

*Inventors:* Charles E. Rupprecht and Xianfu Wu (CDC)

*Publications:*

1. Wu X, et al. Are all lyssavirus genes equal for phylogenetic analyses? Virus Res. 2007 Nov;129(2):91–103. [PMID 17681631]
2. Bankovskiy D, et al. Immunogenicity of the ERA G 333 rabies virus strain in foxes and raccoon dogs. Dev Biol (Basel). 2008;131:461–6. [PMID 18634508]
3. Wu X, Rupprecht CE. Glycoprotein gene relocation in rabies virus. Virus Res. 2008 Jan;131(1):95–9. [PMID 17850911]
4. Franka R, et al. Rabies virus pathogenesis in relationship to intervention with inactivated and attenuated rabies vaccines. Vaccine. 2009 Nov 27;27(51):7149–55. [PMID 19925945]
5. Wu X, et al. Live attenuated rabies virus co-infected with street rabies virus protects animals against rabies. Vaccine. 2011 Jun 6;29(25):4195–201. [PMID 21514343]

*Intellectual Property:* HHS Reference No. E–326–2013/0—
- PCT Application No. PCT/US2006/040134 filed 13 Oct 2006, which published as WO 2007/047459 on 26 Apr 2007
- US Patent No. 7,863,041 issued 04 Jan 2011

• US Patent Application No. 12/956,949 filed 30 Nov 2010
• Various international patent applications pending or issued

*Related Technologies:* HHS Reference No. E–256–2013/0—
• PCT Application No. PCT/US2011/041579 filed 23 June 2011, which published as WO 2011/163446 on 29 Dec 2011
• US Patent Application No. 13/806,622 filed 21 Dec 2012

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Intranasal Nebulizer With Disposable Drug Cartridge for Improved Delivery of Vaccines and Therapeutics**

*Description of Technology:* Intranasal delivery is a simple, inexpensive and needle-free route for administration of vaccines and therapeutics. This intranasal delivery technology, developed with Creare, Inc., includes low-cost, disposable drug cartridges (DDCs) that mate with a durable hand-held device. The rechargeable-battery-powered device transmits ultrasonic energy to the DDC to aerosolize the drug and is capable of performing for eight hours at 120 vaccinations per hour. Potential applications for this platform technology include intranasal vaccination (e.g. seasonal or pandemic influenza vaccines) and intranasal delivery of locally active (e.g. antihistamines, steroids) or systemically active (e.g. pain medications, sedatives) pharmaceuticals.

The DDCs themselves offer two unique benefits. First, all components that contact the active agent or the patient may be easily disposed of, which reduces the risk of patient cross-contamination and minimizes cleaning and maintenance requirements of the hand-held device. Second, DDCs provide a low-cost and simple method to package and distribute individual doses.

This technology also allows for significant dose-sparing. Preliminary studies have shown robust immune responses when this technology is used to delivery significantly reduced doses of Live Attenuated Influenza Vaccine in animal models. The intranasal nebulizer produces droplets sized for optimum depositioning in the nasal airway. The small nebulizer droplets essentially ''spray paint'' the internal nasal airway, resulting in an increased tissue surface coverage that may enable a significant dose reduction. In contrast, currently available nasal delivery devices, such as nasal sprays and droppers, do not provide efficient intranasal delivery in humans because the large droplets they generate fail to coat a significant portion of the nasal airway. Large droplets also tend to drip out of the nose or down the throat, which can be unpleasant for the patient in addition to wasting a sizable portion of the active agent.

*Potential Commercial Applications:*
• Intranasal delivery of vaccines and therapeutics
• Childhood vaccination programs, mass immunization campaigns, or response to epidemics

*Competitive Advantages:*
• Safe, needle-less delivery
• No patient-to-patient contamination
• Long-life, rechargeable battery
• Consistent delivery and dose-sparing
• Nasal delivery of live-attenuated vaccines may be more effective than traditional injected vaccines
• Cost-effective
• Reduces biohazard waste
• May be administered by personnel with minimal medical training
• Easy means of delivery to children with fear of needles

*Development Stage:*
• Prototype
• In vitro data available
• In vivo data available (animal)

*Inventors:* Mark J. Papania (CDC), et al.

*Publication:* Smith JH, et al. Nebulized live-attenuated influenza vaccine provides protection in ferrets at a reduced dose. Vaccine. 2012 Apr 19;30(19):3026–33. [PMID 22075083]

*Intellectual Property:*
• HHS Reference No. E–323–2013/0—
—PCT Application No. PCT/US2002/007973 filed 13 Mar 2002, which published as WO 2002/074372 on 26 Sep 2002
—US Patent No. 7,225,807 issued 05 Jun 2007
—US Patent No. 8,544,462 issued 01 Oct 2013
—Various international issued patents
• HHS Reference No. E–324–2013/0—
—PCT Application No. PCT/US2005/011086 filed 01 Apr 2005, which published as WO 2006/006963 on 19 Jan 2006
—US Patent No. 7,954,486 issued 07 Jun 2011
—US Patent Application No. 13/099,261 filed 02 May 2011
—Various international issued patents
• HHS Reference No. E–308–2013/0—
—PCT Application No. PCT/US2011/039020 filed on 03 Jun 2011, which published as WO 2011/153406 on 08 Dec 2011
—US Patent Application No. 13/701,992 filed 04 Dec 2012
—Various international pending patents

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Multiplexed Immunoassay for Rapid Serological Diagnosis of a Specific Viral Infection in Clinical Samples**

*Description of Technology:* CDC researchers have developed a multiplexed diagnostic assay for sensitive detection and distinction between viral group members based on the presence/absence of infection-generated antibodies within a clinical serum sample. For example, this assay can be used for rapid discrimination of a clinical unknown as specifically a West Nile or St. Louis encephalitis viral infection. This is particularly beneficial as these two viruses are typically difficult to distinguish by standard serological assays.

This new technique uses microsphere/microbead-based flow-analysis as a platform. Because of a basis in a pre-existing technology, the technique can be easily incorporated into current state and health department diagnostic testing protocols. The method is particularly unique because the assay-generated data can be standardized and then classified via discriminant analysis to determine the presence or absence of antibodies of interest within the clinical sample tested.

Furthermore, along with allowances for single-result generation, data manipulation and classification algorithms allow for assay output comparisons to the original large data set references used in development. In this way, results from different laboratories can now be directly compared to one another, provided that the same controls are used.

*Potential Commercial Applications:*
• Clinical diagnostics for specific identification and discrimination of viral infections
• Research tool for evaluation of vaccine candidates
• Assay standardization and quality control
• Public health and viral outbreak surveillance programs

*Competitive Advantages:*
• Increased efficiency compared to single-antibody diagnostic approaches
• Easily implemented and integrated into present protocols and techniques, as this technology is based on current, widely used flow-analysis platforms
• Can be formatted as customizable kits for detection of viral group antibodies
• Rapid and precise
• Ideal for high-throughput analyses

*Development Stage:* In vitro data available

*Inventors:* Alison J. Basile and Bradley J. Biggerstaff (CDC)

*Publications:*

1. Basile AJ, et al. Removal of species constraints in antibody detection. Clin Vaccine Immunol. 2010 Jan;17(1):56–61. [PMID 19923570]

2. Basile AJ, et al. Multiplex microsphere immunoassays for the detection of IgM and IgG to arboviral diseases. PLoS One. 2013 Sep 25;8(9):e75670. [PMID 24086608]

*Intellectual Property:* HHS Reference No. E–302–2013/0—

• US Patent No. 7,933,721 issued 26 Apr 2011

• US Patent No. 8,433,523 issued 30 Apr 2013

• Various international patent applications pending or issued

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Real-Time PCR Multiplex Assay for Detection of Bacterial Respiratory Pathogens in Clinical Specimens**

*Description of Technology:* CDC researchers have developed a single-tube, real-time PCR assay for the simultaneous detection of three bacterial respiratory pathogens (*Mycoplasma pneumoniae, Chlamydiophila pneumoniae* and *Legionella* spp.). The assay has an internal control testing for presence of human DNA. This four-plex real-time PCR assay could potentially become a routine screening test for patients with respiratory illness. Ninety four clinical specimens (in a 96-well format) can be tested at once. This assay is non-invasive, rapid and cost-effective. It has the potential for point-of-care applications in population-based pneumonia surveillance.

*Potential Commercial Applications:*

• Population-based pneumonia surveillance

• Development of broadly-capable respiratory clinical diagnostics

*Competitive Advantages:*

• Sensitive and specific

• High-throughput friendly

• Rapid and cost-effective compared to screening for individual respiratory pathogens

• Easily developed for use in diagnostic kits

*Development Stage:*

• Pre-clinical

• In vitro data available

*Inventors:* Jonas Winchell, Agnes Warner, Kathleen Thurman (all of CDC)

*Publication:* Thurman KA, et al. Detection of Mycoplasma pneumoniae, Chlamydia pneumoniae, and Legionella spp. in clinical specimens using a single-tube multiplex real-time PCR assay. Diagn Microbiol Infect Dis. 2011 May;70(1):1–9. [PMID 21397428]

*Intellectual Property:* HHS Reference No. E–300–2013/0—

• PCT Application No. PCT/US2011/032749 filed 15 Apr 2011, which published as WO 2011/133433 on 27 Oct 2011

• US Patent Application No. 13/641,444 filed 28 Nov 2012

• Various international patent applications pending or deferred

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Novel Recombinant Rabies Vaccine Also Capable of Immunocontraception**

*Description of Technology:* This invention relates to a recombinant, attenuated rabies vaccine that is also capable of inhibiting reproductive fertility. An Evelyn-Rokitnicki-Abelseth (ERA) rabies vaccine backbone, combined with a reproductive-specific protein, such as gonadotropin-releasing hormone (GnRH) or the sperm-binding zona-pellucida-glycoprotein-3 (ZP3) receptor, allows reduction in both rabies transmission and uncontrolled reproduction in stray animals. The ERA rabies vaccine backbone has previously shown strong efficacy in animal studies. This vaccine may be delivered via injection or orally, including in an animal's food.

*Potential Commercial Applications:*

• Development of rabies and immunocontraceptive vaccines

• Immunogenic compositions for both prevention and treatment of rabies virus

• Animal welfare initiatives and rabies vaccination programs

*Competitive Advantages:*

• Live, attenuated rabies vaccines show greater efficacy than older, inactivated rabies vaccine in prior animal studies

• Potential for oral delivery, enabling vaccination of feral and difficult-to-reach animal populations

• Novel approach to simultaneously addressing rabies transmission and uncontrolled wild animal reproduction

*Development Stage:*

• Pre-clinical

• In vitro data available

• In vivo data available (animal)

*Inventors:* Xianfu Wu and Charles E. Rupprecht (CDC)

*Publication:* Wu X, et al. Development of combined vaccines for rabies and immunocontraception. Vaccine. 2009 Nov 27;27(51):7202–9. [PMID 19925954]

*Intellectual Property:* HHS Reference No. E–298–2013/0—

• PCT Application No. PCT/US2009/054502 filed 20 Aug 2009, which published as WO 2010/033337 on 25 Mar 2010

• US Patent Application No. 13/062,680 filed 07 Mar 2011

• Various international patent applications pending or deferred

*Related Technologies:*

• HHS Reference No. E–256–2013/0—

—PCT Application No. PCT/US2011/041579 filed 23 June 2011, which published as WO 2011/163446 on 20 Dec 2011

—US Patent Application No. 13/806,622 filed 21 Dec 2012

• HHS Reference No. E–326–2013/0—

—PCT Application No. PCT/US2006/040134 filed 13 Oct 2006, which published as WO 2007/047459 on 26 Apr 2007

—US Patent No. 7,863,041 issued 04 Jan 2011

—Various international patent applications pending or issued

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Diagnostic Assays Utilizing Real-Time Taqman or Seminested RT–PCR for Parechovirus Detection and Discrimination**

*Description of Technology:* The CDC developed a real-time reverse transcription polymerase chain reaction (RT–PCR) Taqman assay and an RT-semi nested PCR (RT-snPCR) assay for the detection of parechoviruses. Similar to enteroviruses, parechoviruses are responsible for gastrointestinal, respiratory and central nervous system infections. All tests target conserved regions in the 5′nontranslated region (5′NTR) of the parechovirus genome and share forward and reverse primers. The Taqman probe and RTsnPCR nested primer target the same conserved site but vary in length. Both assays detect all known human parechoviruses (PPeV) and Ljungan viruses (LV), unlike other published parechovirus 5′NTR assays, which only detect a limited number of PPeV types. Both assays are more sensitive than current methods (culture and multiple, single-serotype nucleic acid amplification assays) and may be used to test isolates or original clinical specimens.

*Potential Commercial Applications:*

• Diagnostic detection of all known species of Parechovirus from clinical samples, including Human parechovirus and Ljungan virus

• Discrimination of specific species and serotypes

• Public health surveillance programs

• Research tool for all lab strains and clinical isolates of parechovirus

*Competitive Advantages:*
• Detects all Parechovirus genus members with a single assay
• Rapid, accurate, sensitive and specific
• Cost-effective in terms or resource-input, labor and turnaround time
• Does not require culturing
• Easily adaptable to kit form
*Development Stage:*
• Early-stage
• In vitro data available
*Inventors:* William A. Nix and M. Steven Oberste (CDC)
*Intellectual Property:* HHS Reference No. E–295–2013/0—
• PCT Application No. PCT/US2006/016624 filed 01 May 2006, which published as WO 2007/133189 on 22 Nov 2007
• US Patent No. 8,048,630 issued 01 Nov 2011
• Australian Patent No. 2006343645 issued 05 Apr 2012
• Various international filings pending or issued
*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov*
*Collaborative Research Opportunity:* The Centers for Disease Control and Prevention (CDC) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Diagnostic Assays Utilizing Real-Time Taqman or Seminested RT–PCR for Parechovirus Detection and Discrimination. For collaboration opportunities, please contact Suzanne Shope at *sshope@cdc.gov* or 770–488–8613.

**Simultaneous Detection of Non-Pneumophila *Legionella* Strains Using Real-Time PCR**

*Description of Technology:* Legionnaires' disease is caused by a type of bacteria called *Legionella.* CDC scientists have developed a real-time multiplex PCR assay for diagnosis and identification of *Legionella* strains. The assay consists of five sets of primers (targeting *L. bozemanii, L. dumoffii, L. feeleii, L. longbeachae,* or *L. micdadei*) and corresponding probes. Each probe is labeled with a different fluorophore which allows the detection of a particular strain in a single tube reaction. Using this assay format, the presence of any one of the five pathogenic non-pneumophila strains of *Legionella* can be detected rapidly from clinical or environmental samples. Rapid and sensitive identification enables initiation of appropriate antibiotic therapy and identification of the source of bacteria so that proper public health responses may occur.
*Potential Commercial Applications:* Rapid and real-time assay to detect the presence of clinically relevant non-pneumophila *Legionella* strains.
*Competitive Advantages:*
• Currently available tests are time consuming and labor intensive.
• This assay enables rapid identification and differentiation on clinically relevant non-pneumophila *Legionella* strains.
• This assay can be used as a standalone confirmatory assay for the detection of common non-pneumophila *Legionella* species or as one of the valuable assays in conjunction with other standard assays.
*Inventors:* Jonas M. Winchell and Alvaro J. Benitez (CDC)
*Publication:* Benitez AJ, Winchell JM. Clinical application of a multiplex real-time PCR assay for simultaneous detection of Legionella species, Legionella pneumophila, and Legionella pneumophila serogroup 1. J Clin Microbiol. 2013 Jan;51(1):348–51. [PMID 23135949]
*Intellectual Property:*
• HHS Reference No. E–277–2013/0—PCT Application No. PCT/US2013/030217 filed 11 March 2013, which published as WO 2013/187958 on 19 Dec 2013
• HHS Reference No. E–277–2013/1—US Patent Application No. 13/895,898 filed 16 May 2013
*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Multiplex Real-Time PCR Assay for Detection of Numerous Bacterial Pathogens**

*Description of Technology:* In order to address a global need for rapid, cost-effective, sensitive, and specific assays for many pathogens, CDC scientists have developed a broad-use, multiplexed RT–PCR assay. This comprehensive assay covers numerous pathogens that are common causes of infection in neonates and also important to food-safety. Specifically, this assay (and respective probes, primers, and kits) is capable of detecting one or more of *Acinetobacter baumannii, Pseudomonas aeruginosa, Klebsiella pneumoniae, Toxoplasma gondii, Moraxella catarrhalis, Escherichia coli, Shigella, Staphylococcus aureus, Pneumocystis jirovecii, Chlamydia trachomatis, Ureaplasma urealyticum, Ureaplasma parvum, Ureaplasma spp., Bartonella spp., Streptococcus agalactiae,* and *Neisseria meningitidis* in a biological sample.
*Potential Commercial Applications:*
• Clinical diagnostic for several pathogens
• Drug-resistance surveillance
• Public health monitoring
• En masse food-safety screening
*Competitive Advantages:*
• Cost-effective
• Simple to implement
• Rapid, accurate and objectively conclusive
• Easily implemented into kit format
• Ideal for high-throughput scenarios
*Development Stage:*
• Pre-clinical
• In vitro data available
*Inventors:* Jonas Winchell, Bernard Wolff, Maureen Diaz (all of CDC)
*Publication:* Diaz MH, et al. Optimization of Multiple Pathogen Detection Using the TaqMan Array Card: Application for a Population-Based Study of Neonatal Infection. PLoS One. 2013 Jun 21;8(6):e66183. [PMID 23805203]
*Intellectual Property:* HHS Reference No. E–276–2013/0—
• US Provisional Patent Application No. 61/642,091 filed 03 May 2012
• PCT Application No. PCT/US13/28034 filed 27 Feb 2013, which published as WO 2013/165537 on 07 Nov 2013
*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Methods of Detecting and Identifying Both Known and Novel Influenza Viruses**

*Description of Technology:* This invention describes materials and methods of detecting novel influenza virus in a sample. As highlighted by the recent H1N1 pandemic strain, influenza viruses are constantly evolving and novel reassortments can quickly spread around the world.
The reagents and methods of this particular technology are capable of detecting any type of influenza virus (such as influenza A virus, influenza B virus, and influenza C virus) in a sample, including novel or previously unknown influenza viruses. Such methods and compositions are useful for diagnosing influenza virus infection in humans and animals.
*Potential Commercial Applications:*
• Method of rapid, accurate subtype-screening of influenza viruses using ''pan-influenza'' RT–PCR
• Diagnostic tool for clinicians, veterinarians, public health programs, food-safety officials, researchers and forensic scientists
*Competitive Advantages:*
• A full-spectrum, sensitive and specific assay for identification of influenza viruses, known and novel
• Easily adaptable for commercial production

*Development Stage:*
- Pre-clinical
- In vitro data available

*Inventors:* Suxiang Tong and Shannon Rogers (CDC)

*Publications:*

1. Fouchier RA, et al. Characterization of a novel influenza A virus hemagglutinin subtype (H16) obtained from black-headed gulls. J Virol. 2005 Mar;79(5):2814–22. [PMID 15709000]
2. Fouchier RA, et al. Detection of influenza A viruses from different species by PCR amplification of conserved sequences in the matrix gene. J Clin Microbiol. 2000 Nov;38(11):4096–101. [PMID 11060074]
3. Tong S, et al. Sensitive and broadly reactive reverse transcription-PCR assays to detect novel paramyxoviruses. J Clin Microbiol. 2008 Aug;46(8):2652–8. [PMID 18579717]

*Intellectual Property:* HHS Reference No. E–274–2013/0—
- US Provisional Application No. 61/642,098 filed 03 May 2012
- PCT Application No. PCT/US2013/029600 filed 07 Mar 2013, which published as WO 2013/165551 on 07 Nov 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov*

*Collaborative Research Opportunity:* The Centers for Disease Control and Prevention (CDC) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Methods of Detecting and Identifying Both Known and Novel Influenza Viruses. For collaboration opportunities, please contact Suzanne Shope at *sshope@cdc.gov* or 770–488–8613.

**Nucleic Acid Amplification Technique for Rapid Diagnostic Analysis**

*Description of Technology:* CDC researchers developed a simple target-specific isothermal nucleic acid amplification technique, termed Genome Exponential Amplification Reaction (GEAR). The method employs a set of four primers (two inner and two outer). The outer primer pair targets three specific nucleic acid sequences at a constant 60 °C, while the inner pair of primers accelerates and improves the sensitivity of the assay.

The GEAR technique is an improvement over loop-mediated isothermal amplification (LAMP) in three ways. First, the GEAR method uses two Tab primers which target three genomic regions (corresponding LAMP primers target four regions). Second, the GEAR method features complementary 5′ ends between the forward and reverse primers. Third, the GEAR method does not require a second set of outer primers (LAMP requires two outermost primers). Additionally, the GEAR isothermal method can be performed in a relatively inexpensive water bath or heating block, with detection of amplification products by fluorescence, thus making it suitable for low resource settings.

*Potential Commercial Applications:*
- Rapid diagnostic analysis of biological samples
- Qualitative and quantitative analysis of nucleic acids
- Low-cost diagnostics for malaria, tuberculosis, and other infectious diseases

*Competitive Advantages:*
- Rapid, portable, cost-effective
- Useful in low resource settings
- A ''single-tube'' assay that eliminates need for thermal cyclers or gel electrophoresis
- Unlike many other isothermal amplification approaches, GEAR can be efficiently performed at temperatures exceeding 60 °C, increasing specificity and accuracy

*Development Stage:*
- Pre-clinical
- In vitro data available

*Inventors:* Jothikumar Narayanan, Prithiviraj Jothikumar, Vincent R. Hill (all of CDC)

*Publication:* Prithiviraj J, et al. Rapid detection of microbial DNA by a novel isothermal genome exponential amplification reaction (GEAR) assay. Biochem Biophys Res Commun. 2012 Apr 20;420(4):738–42. [PMID 22450319]

*Intellectual Property:* HHS Reference No. E–273–2013/0—PCT Application No. PCT/US2012/049784 filed 06 Aug 2012

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Diagnostics, Vaccines, and Delivery-Vehicles Related to Novel Phlebovirus**

*Description of Technology:* This CDC invention relates to primers and probes that specifically hybridize with Heartland virus (HRTLDV), a unique member of the genus *Phlebovirus.* It further relates to polyclonal antibodies specific for HRTLDV proteins. Serological detection assays using HRTLDV nucleic acid molecules, proteins, probes, primers, and antibodies are provided. Importantly, the HRTLDV genome can be engineered using reverse genetics to be attenuated, allowing development of a vaccine for other viruses within the *Phlebovirus* genus or *Bunyaviridae* family. Individual proteins or peptides of the HRTLDV can also be used in other FDA-approved virus backbones to act as vaccines. Further, since HRTLDV targets the bone marrow, disclosed HRTLDV delivery vehicles may be used to deliver therapeutic agents to the bone marrow.

*Potential Commercial Applications:*
- Development of nucleic acid (RT–PCR) and serologic diagnostic assays for phleboviruses
- Phlebovirus vaccines
- Novel delivery vehicles for bone marrow-originating diseases
- Research tool for phlebovirus virulence mechanisms
- Vector or tick-borne illness monitoring programs for both humans and wildlife

*Competitive Advantages:*
- Antigens and antibodies for diagnostic use have been developed
- RT–PCR allows rapid, quantitative diagnosis
- Potential use as bone marrow therapeutic delivery tools
- Recombinant, pseudo-phlebovirus reporter systems have potential for a wide range of high-throughput drug-screening and research applications

*Development Stage:*
- Early stage
- In vitro data available

*Inventors:* Laura K. McMullan, Cynthia S. Goldsmith, Aubree J. Kelly, William L. Nicholson, Stuart T. Nichol (all of CDC)

*Publications:*

1. McMullan LK, et al. A new phlebovirus associated with severe febrile illness in Missouri. N Engl J Med. 2012 Aug 30;367(9):834–41. [PMID 22931317]
2. CDC FAQs: Novel phlebovirus (Heartland virus) [*http://www.cdc.gov/ncezid/dvbd/heartland/index.html*]

*Intellectual Property:* HHS Reference No. E–269–2013/0—
- US Provisional Patent Application No. 61/614,926 filed 23 Mar 2012
- PCT Application No. PCT/US2013/033541 filed 22 Mar 2013, which published as WO 2013/142808 on 26 Sep 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**HIV–1 Genotyping Assay for Subtype Diagnosis and Global Surveillance of Drug Resistance**

*Description of Technology:* CDC researchers have developed a set of RT–PCR and sequencing primers based on HIV–1 group M sequences. Evaluation of the primers using samples collected around the world demonstrated broad detection capacity for multiple HIV–1 group subtypes and predominant circulating recombinant forms. Further, commercially available HIV–1 drug resistance (HIVDR) genotyping assays

are expensive and have limited ability to detect non-B subtypes. This optimized assay is broadly sensitive in genotyping HIV–1 group M viral strains and more sensitive than TRUGENE® and ViroSeq® assays in detecting mixed viral populations. Additionally, this assay is useful in resource-limited settings where HIVDR surveillance is recommended to minimize the development and transmission of HIVDR.

*Potential Commercial Applications:*
- HIV–1 sub-typing diagnostic
- Evaluation of efficacy of anti-HIV therapeutics
- HIV drug resistance (HIVDR) surveillance and monitoring

*Competitive Advantages:*
- Cost-effective
- Simple to implement
- Rapid, accurate and objectively conclusive
- Easily implemented as a kit
- Assay could be applicable to HIVDR genotyping in both ART-naive and ART-experienced populations

*Development Stage:*
- Pre-clinical
- In vitro data available

*Inventors:* Nicholas Wagar, Chunfu Yang, Zhiyong Zhou, Joshua DeVos (all of CDC)

*Publications:*

1. Zhou Z, et al. Optimization of a low cost and broadly sensitive genotyping assay for HIV–1 drug resistance surveillance and monitoring in resource-limited settings. PLoS One. 2011;6(11):e28184. [PMID 22132237]
2. Yang C, et al. Development and application of a broadly sensitive dried-blood-spot-based genotyping assay for global surveillance of HIV–1 drug resistance. J Clin Microbiol. 2010 Sep;48(9):3158–64. [PMID 20660209]

*Intellectual Property:* HHS Reference No. E–259–2013/0—
- PCT Application No. PCT/US2012/045523 filed 05 Jul 2012, which published as WO 2013/006684 on 10 Jan 2013
- US Patent Application No. 14/125,564 filed 11 Dec 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov*

*Collaborative Research Opportunity:* The Centers for Disease Control and Prevention (CDC) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Real-time PCR Assay for Detection of Pneumococcal DNA and Diagnosis of Pneumococcal Disease. For collaboration opportunities, please contact Suzanne Shope at *sshope@cdc.gov* or 770–488–8613.

**Intranasal Dry Powder Inhaler for Improved Delivery of Vaccines and Therapeutics**

*Description of Technology:* This Intranasal Dry Powder Inhaler (DPI), developed with Creare, Inc., allows low-cost delivery of powder vaccines. Nasal delivery has numerous advantages compared to traditional injected vaccines, including: (1) Safe, needle-less administration by minimally-trained staff or patient; (2) better protection due to mucosal and cross-protection; and (3) decreased biohazard waste. Further, dry powder aerosol vaccine delivery is superior to liquid aerosol delivery in a number of ways, including: (1) No dose reconstitution required; (2) highly thermostable and may not need cold chain storage; (3) costs less to store and transport; (4) improved efficacy through elimination of liquid spray nasal-dripping. This CDC-Creare invention is unique in that it is inexpensive and suitable for single-use applications, such as vaccination. It prevents the dose being deposited within the lower respiratory tract, improving safety. This delivery system has a broad range of potential applications including, but not limited to, childhood vaccination programs, self-administered therapeutics, and emergency biodefense.

*Potential Commercial Applications:*
- Intranasal delivery of vaccines and therapeutics
- Childhood vaccination programs, mass immunization campaigns, or response to epidemics

*Competitive Advantages:*
- Safe, needle-less delivery
- Allows self-administration
- Improved protection via intranasal immunization
- Decreased biohazard waste
- Dose reconstitution is not required
- Highly thermostable and may not need cold chain storage
- Cost-effective
- Primate study with a thermostable measles vaccine expected in the next year

*Development Stage:*
- In vitro data available
- Prototype

*Inventors:* Mark J. Papania, James J. Barry, Darin A. Knaus, Edward Moynihan, Eric M. Friets, Mark C. Bagley (all of CDC)

*Intellectual Property:* HHS Reference No. E–258–2013/0—
- US Provisional Patent Application No. 61/665,778 filed 28 Jun 2012
- PCT Application No. PCT/US2013/047399 filed 24 Jun 2013, which published as WO 2014/004400 on 03 Jan 2014

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Recombinant Pan-Lyssavirus for Use in Rabies and Broad-Lyssavirus Vaccination**

*Description of Technology:* CDC researchers have developed recombinant lyssaviruses that can be used for the development of an improved, broad-spectrum vaccine against several rabies genotypes. Lyssaviruses are single-stranded RNA viruses that cause rabies and rabies-like diseases in mammals. Currently, there are commercially available vaccines that are considered to be effective against infections from a single viral phylogroup; however, these vaccines confer little or no protection against viruses outside of the phylogroup. The present recombinants have glycoprotein-encoding genes from at least two different lyssaviruses and can be used as pan-lyssaviral vaccines to provide protection against infection by multiple lyssavirus phylogroups.

*Potential Commercial Applications:*
- Pan-lyssavirus vaccines
- Rabies surveillance and vaccination programs

*Competitive Advantages:*
- Broad-spectrum vaccine potential
- Pan-lyssavirus vaccination tools will be particularly beneficial in endemic and developing regions
- Employs a presently commercialized vaccine backbone/platform, making this innovation easily adaptable for industrial R&D and subsequent large-scale production

*Development Stage:* Pre-clinical

*Inventors:* Xianfu Wu, Charles E. Rupprecht, Ivan V. Kuzmin (all of CDC)

*Publication:* Kuzmin IV, et al. Complete genomes of Aravan, Khujand, Irkut and West Caucasian bat viruses, with special attention to the polymerase gene and non-coding regions. Virus Res. 2008 Sep;136(1–2):81–90. [PMID 18514350]

*Intellectual Property:* HHS Reference No. E–256–2013/0—
- PCT Application No. PCT/US2011/041579 filed 23 June 2011, which published as WO 2011/163446 on 29 Dec 2011
- US Patent Application No. 13/806,622 filed 21 Dec 2012

*Related Technologies:* HHS Reference No. E–326–2013/0—
- PCT Application No. PCT/US2006/040134 filed 13 Oct 2006, which published as WO 2007/047459 on 26 Apr 2007
- US Patent No. 7,863,041 issued 04 Jan 2011
- Various international patent applications pending or issued

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Real-Time PCR Assay for Detection of Pneumococcal DNA and Diagnosis of Pneumococcal Disease**

*Description of Technology:* CDC scientists have developed a real-time PCR assay for diagnosing pneumococcal disease using amplification of the bacterial gene encoding pneumococcal surface adhesin A (PsaA). Pneumococcal isolation and identification is often complicated by (1) antimicrobial suppression of growth in culture and (2) contamination by normal flora alpha-streptococci. Further, pneumococcal detection by culture and serological methods can be time-consuming, relatively expensive, laborious and, ultimately, indeterminate. Sensitive and specific assays that can be completed quickly in the clinical laboratory are essential for early diagnosis and effective therapy. This RT–PCR assay provides a tool for quick and accurate diagnosis by physicians and health care technicians and may be useful in evaluating the efficacy of novel pneumococcal vaccines and therapeutics.

*Potential Commercial Applications:*
- Pneumococcal disease diagnostics and surveillance programs
- *Streptococcus pneumoniae* vaccine development and improvement
- Evaluation of efficacy of anti-pneumococcal therapeutics

*Competitive Advantages:*
- Cost-effective
- Simple to implement
- Rapid, accurate and objectively conclusive
- Easily implemented as a kit

*Development Stage:*
- Pre-clinical
- In vitro data available

*Inventors:* Jacquelyn S. Sampson, Edwin W. Ades, George Carlone, Maria da Gloria Carvalho, Karen McCaustland (all of CDC)

*Publication:* Carvalho MG, et al. Evaluation and improvement of real-time PCR assays targeting lytA, ply, and psaA genes for detection of pneumococcal DNA. J Clin Microbiol. 2007 Aug;45(8):2460–6. [PMID 17537936]

*Intellectual Property:* HHS Reference No. E–250–2013/0—
- PCT Application No. PCT/US2005/010449 filed 28 Mar 2005, which published as WO 2006/104486 on 05 Oct 2006
- US Patent No. 7,476,733 issued 13 Jan 2009
- Various international filings issued or pending

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov*

*Collaborative Research Opportunity:* The Centers for Disease Control and Prevention (CDC) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Real-time PCR Assay for Detection of Pneumococcal DNA and Diagnosis of Pneumococcal Disease. For collaboration opportunities, please contact Suzanne Shope at *sshope@cdc.gov* or 770–488–8613.

**T24 Antigen for Diagnosing or Treating *Taenia solium* Cysticercosis**

*Description of Technology:* In order to develop a simple detection assay for field use, CDC researchers cloned and sequenced the *Taenia solium* T24 diagnostic protein. The T24 sequences can be used to detect and diagnose *T. solium* infection or can be formulated into a pharmaceutical composition. *T. solium* is a species of tapeworm. Intestinal infection with *T. solium* is referred to as taeniasis. Many taeniasis infections are asymptomatic but may be characterized by insomnia, anorexia, abdominal pain and weight loss. Cysticercosis infection, which can be fatal, may develop if *T. solium* larvae migrate out of the intestine and form cysticerci in various body tissues. This technology may be used to develop a diagnostic, vaccine, or therapeutic for infection related to *T. solium.*

*Potential Commercial Applications:*
- Vaccine or therapeutic for taeniasis or cysticercosis resulting from *T. solium* infection
- Diagnosis of *T. solium* infection
- Zoonotic disease research and surveillance
- Public health monitoring programs
- Livestock health and food-source monitoring

*Competitive Advantages:*
- Rapid, accurate, sensitive, and safe compared to current radiologic and biopsy diagnostic methods
- Easy-to-use diagnostic kit that doesn't require abnormal temperatures or specialized equipment
- Can be developed for serologic and/or nucleic acid diagnostics
- Cost-effective; useful for developing countries

*Development Stage:*
- Early-stage
- In vitro data available

*Inventors:* Kathy Hancock, Fatima Williams, Melinda L. Yushak, Sowmya Pattabhi, Victor C. Tsang (all of CDC)

*Intellectual Property:* HHS Reference No. E–237–2013/0—
- US Patent No. 7,547,762 issued 16 Jun 2009
- US Patent No. 7,972,606 issued 05 Jul 2011

*Related Technologies:* HHS Reference No. E–247–2013/0—US Patent No. 6,379,906 issued 30 Apr 2002

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**HIV–1 Multi-Clade, Multivalent Recombinant Vaccine Construct**

*Description of Technology:* CDC scientists developed immunogenic multi-clade, multivalent (HIV1MCMV) recombinant constructs for use as HIV–1 vaccines. These polypeptides include immunogenic CTL, T- and/or B-cell determinants that are capable of eliciting broad and effective immune responses against diverse subtypes of HIV–1. It is believed that these HIV–1 constructs provide universal vaccines, capable of effective use in any part of the world affected by the HIV–1 epidemic. The construct contains specific cellular targeting epitopes that allow optimized antigen processing and recognition, and the design of the construct allows for the addition or deletion of epitopes. Additionally, the construct may be used to develop multi-pathogen vaccines by combination with other epitope-based constructs.

*Potential Commercial Applications:* Development of HIV–1 vaccine

*Competitive Advantages:*
- Allows easy epitope-tailoring
- Broad spectrum protection against HIV–1
- Unlike other HIV-vaccination strategies, this approach specifically primes both arms of the immune system for improved protection
- Can be combined with other epitope-based constructs to generate multi-pathogen vaccines

*Development Stage:*
- Early-stage
- In vitro data available

*Inventors:* Renu B. Lal and Sherry B. Owen (CDC)

*Intellectual Property:* HHS Reference No. E–231–2013/0—
- PCT Application No. PCT/US2004/009767 filed 26 Mar 2004, which published as WO 2004/085466 on 27 Oct 2004
- US Patent No. 7,425,611 issued 26 Mar 2004
- Various international patent applications pending or issued

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Monoclonal Antibodies for Detection of *Stachybotrys chartarum* Fungi**

*Description of Technology:* This invention provides monoclonal

antibodies that can be used to rapidly and accurately test for the presence of *Stachybotrys chartarum* fungi. Certain fungi found in indoor environments, including homes and businesses, may cause adverse health effects in people and animals by causing infection or provoking allergic reactions. Sick building syndrome, an occupational condition in which workers are sickened by environmental toxins or pathogens, has been associated with the fungus *S. chartarum.* The antibodies disclosed may be used to identify and detect the presence of *S. chartarum* in a biological sample or a sample obtained from the environment. The antibodies may be part of kits to assess human exposure to this fungi and they may be useful for improving occupational health.

*Potential Commercial Applications:*
- Clinical diagnosis of *S. chartarum* exposure
- Detection of fungal antigens in biological samples or the environment
- Occupational health and home safety

*Competitive Advantages:*
- Simple, rapid, and specific detection of *S. chartarum* pathogen
- Easily adaptable for kit format
- Less labor-intensive than spore counts or culturing
- More sensitive than chromatographic detection of mycotoxins
- Ensures objective output by directly quantifying spores rather than relying on genetically influenced molecular markers or sample extraction techniques

*Development Stage:*
- Early-stage
- In vitro data available

*Inventors:* Detlef Schmechel and Daniel M. Lewis (CDC)

*Intellectual Property:* HHS Reference No. E–224–2013/0—US Patent No. 7,368,256 issued 06 May 2008

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Real-Time PCR for Detecting Legionella Species and Discriminating *Legionella pneumophila***

*Description of Technology: Legionella pneumophila* is the causative species in most cases of Legionnaires' disease (LD). CDC scientists have developed a real-time PCR assay capable of detecting all *Legionella* species and discriminating *L. pneumophila* from other *Legionella* species. LD is typically difficult to diagnose from a clinical standpoint as it confers no unique clinical features or symptoms. This assay provides a rapid and accurate alternative to laborious PCR assays, prone to aberrant results. It provides a sensitive alternative for diagnosis of Legionnaires' disease and detection of *L. pneumophila.*

*Potential Commercial Applications:*
- Diagnostic for Legionnaires' disease
- Detection of all Legionella species and specific discrimination of *L. pneumophila*

*Competitive Advantages:*
- Faster than immunoassays
- Less laborious than current LD diagnostics
- Rapid, sensitive, and specific
- Curtails misdiagnoses associated with serological evaluations
- Easily adaptable to kit form

*Development Stage:*
- Early-stage
- In vitro data available

*Inventors:* Robert F. Benson, Brian F. Holloway, Karen A. McCaustland, Patrick G. Yant (all of CDC)

*Publication:* Yang G, et al. Dual detection of Legionella pneumophila and Legionella species by real-time PCR targeting the 23S–5S rRNA gene spacer region. Clin Microbiol Infect. 2010 Mar;16(3):255–61. [PMID 19438641]

*Intellectual Property:* HHS Reference No. E–194–2013/0—
- PCT Application No. PCT/US2009/068461 filed 17 Dec 2009, which published as WO 2010/080493 on 15 Jul 2010
- US Patent Application No. 13/140,922 filed 20 Jun 2011

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Real-Time PCR Assays for Selective Detection and Differentiation of *B. pertussis, B. parapertussis* and *B. homesii***

*Description of Technology:* CDC researchers developed a real-time PCR assay targeting insertion sequence (IS481) and pertussis toxin subunit 1 (ptxS1) of *Bordetella pertussis.* This real-time nucleic acid assay offers rapid, sensitive, and quantitative results. The employed primers have been validated through extensive diagnostic testing of 41 *Bordetella* and 64 non-*Bordetella* clinical isolates. This technology can be used to diagnose and distinguish *B. pertussis, B. parapertussis* and *B. homesii,* the three most common *Bordetella* human upper respiratory pathogens. A standalone assay or multi-faceted kit may be used.

*Potential Commercial Applications:*
- Diagnostics for *Bordetella* pathogens
- Investigation of acute upper respiratory illness and outbreaks

*Competitive Advantages:*
- Validated for the three major pathogens responsible for *Bordetella*-related upper respiratory infections
- Rapid, sensitive and quantitative
- Easily adapted to kit form
- Useful as an added, internal control for present *Bordetella pertussis* diagnostics

*Development Stage:*
- Early-stage
- In vitro data available

*Inventors:* Kathleen M. Tatti, Kansas Sparks, Maria-Lucia C. Tondella (all of CDC)

*Publication:* Tatti KM, et al. Development and evaluation of dual-target real-time polymerase chain reaction assays to detect Bordetella spp. Diagn Microbiol Infect Dis. 2008 Jul;61(3):264–72. [PMID 18440175]

*Intellectual Property:* HHS Reference No. E–193–2013/0—
- PCT Application No. PCT/US2010/032408 filed 26 Apr 2010, which published as WO 2010/124281 on 28 Oct 2010
- US Patent Application No. 13/266,099 filed 26 Apr 2010
- Various international patents pending or deferred

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Antigen-Capture Electrochemiluminescent Assay for Determining Rabies Vaccine Potency**

*Description of Technology:* CDC researchers developed a more efficient method of assessing rabies vaccine potency using an antigen-capture electrochemiluminescent (ECL) assay. This assay utilizes SULFO–NHS-Ester labeled murine monoclonal antibodies to quantify glycoprotein concentration, which is an indicator of vaccine potency. Currently, the potency of rabies vaccines is determined by the effective-dose (ED50) mouse study evaluation method, which is more than 50 years old. The labor-intensive ED50 evaluation method has high operating costs, extensive biosafety requirements, and requires the sacrifice of a large number of animals. CDC researchers have addressed these issues by developing a competitive in vitro antigen-capture assay that is rapid, highly robust, reproducible, flexible and much less expensive to implement than the traditional ED50-mouse study evaluation.

*Potential Commercial Applications:*
- Rabies vaccine design and development
- Vaccine quality control and quality assurance testing
- In vitro assay for rabies virus glycoprotein

*Competitive Advantages:*
- Efficient vaccine evaluation
- Highly robust, reproducible and flexible

• Easily standardized for consistent, universal usage and assurance of batch-to-batch vaccine homogeneity
• In vitro assay may replace the 50 year old ED50 mouse procedure
*Development Stage:*
• Pre-clinical
• In vitro data available
• In vivo data available (animal)
*Inventors:* Todd G. Smith and Charles E. Rupprecht (CDC)
*Publication:* Smith TG, et al. An electrochemiluminescence assay for analysis of rabies virus glycoprotein content in rabies vaccines. Vaccine. 2013 Jul 18;31(33):3333–8. [PMID 23742991]
*Intellectual Property:* HHS Reference No. E–180–2013/0—
• US Provisional Patent Application No. 61/713,130 filed 12 Oct 2012
• PCT Application No. PCT/US2013/064911 filed 15 Oct 2013
*Related Technologies:*
• HHS Reference No. E–256–2013/0—
—US Patent Application No. 13/806,622 filed 21 Dec 2012
—PCT Application No. PCT/US2011/041579 filed 23 June 2011, which published as WO 2011/163446 on 29 Dec 2011
• HHS Reference No. E–326–2013/0—
—PCT Application No. PCT/US2006/040134 filed 13 Oct 2006, which published as WO 2007/047459 on 26 Apr 2007
—US Patent No. 7,863,041 issued 04 Jan 2011
—US Patent Application No. 12/956,949 filed 30 Nov 2010
—Various international patent applications pending or issued
*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Isolated Lyssavirus Nucleic Acid and Protein Sequences**

*Description of Technology:* A novel strain in the rabies family of viruses, the Shimoni bat virus (SHIBV), has been discovered. Phylogenic and antigenic patterns identify SHIBV as a new species of Lyssavirus. Phylogenic reconstructions of SHIBV and monoclonal antibody typing were used to demonstrate a distinct genetic antigenic pattern. This unique genetic information may be used to create antigens or vaccines against SHIBV and provides opportunity for the development of new diagnostics, therapeutics, and prophylactic therapies for viral infection.
*Potential Commercial Applications:*
• Vaccines, therapies or diagnostics for Shimoni bat virus
• Rabies epidemiology and surveillance
• Lyssavirus/rabies research tool
*Competitive Advantages:*
• Protects against phylogroup II lyssaviruses, unlike current commercially available rabies vaccines
• Isolated biomaterials provide novel lyssavirus research tools
*Development Stage:*
• Early-stage
• In vitro data available
*Inventors:* Ivan V. Kuzmin (CDC), Charles E. Rupprecht (CDC), et al.
*Publications:*
1. Kuzmin IV, et al. Shimoni bat virus, a new representative of the Lyssavirus genus. Virus Res. 2010 May;149(2):197–210. [PMID 20138934]
2. Kuzmin IV, et al. Commerson's leaf-nosed bat (Hipposideros commersoni) is the likely reservoir of Shimoni bat virus. Vector Borne Zoonotic Dis. 2011 Nov;11(11):1465–70. [PMID 21867415]
*Intellectual Property:* HHS Reference No. E–179–2013/0—PCT Application No. PCT/US2011/021309 filed 14 Jan 2011, which published as WO 2013/081571 on 17 Oct 2013
*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Real-Time TaqMan RT–PCR Assays for Selective Detection of Human Rhinovirus**

*Description of Technology:* This invention relates to selective detection of human rhinovirus (HRV) in biological media. Specifically, this invention discloses a real-time TaqMan RT–PCR assay targeting the 5′-noncoding region of the HRV genome. This is a one-step, real-time nucleic acid assay that offers rapid, sensitive, and quantitative results. The assay is validated against all 100 recognized HRV prototype strains.
HRV is the most frequent cause of the common cold. From a clinical standpoint, diagnosis of HRV infection is quite difficult as the related symptoms can be caused by other agents as well. Additionally, laboratory detection of HRV is challenging as HRV exhibits extreme antigenic variability and certain strains cannot be maintained by cell culture.
*Potential Commercial Applications:*
• Development of human rhinovirus (HRV) diagnostics
• Acute lower respiratory illness diagnostics and investigation
*Competitive Advantages:*
• Validated against all 100 human rhinovirus prototype strains
• Rapid, sensitive and quantitative
• One-step assay
• Easily adapted to kit form
*Development Stage:*
• Early-stage
• In vitro data available
*Inventors:* Xiaoyan Lu and Dean D. Erdman (CDC)
*Publication:* Lu X, et al. Real-time reverse transcription-PCR assay for comprehensive detection of human rhinoviruses. J Clin Microbiol. 2008 Feb;46(2):533–9. [PMID 18057136]
*Intellectual Property:* HHS Reference No. E–177–2013/0—US Patent Application No. 12/315,758 filed 05 Dec 2008
*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Composition and Methods for Rapid Detection of HIV by Loop-Mediated Isothermal Amplification**

*Description of Technology:* This invention relates to methods and compositions for rapid detection of HIV nucleic acids in a biological sample. Specifically, it involves the use of the loop-mediated isothermal amplification (LAMP) for rapid detection of HIV–1 and/or HIV–2. The use of rapid HIV tests is highly attractive for screening of patient samples, especially in developing countries where resources are limited, because they are quick, easy to perform, and do not require any special equipment. Rapid tests for the identification of HIV antibody, however, will remain negative during the 4 to 5 week window post-infection and pre-seroconversion, necessitating the need for a diagnosis based on HIV nucleic acid.
*Potential Commercial Applications:*
• Diagnostic test for HIV–1 and/or HIV–2 infection
• Kits for detection of HIV nucleic acids
*Competitive Advantages:*
• High sensitivity and specificity
• No need for thermal cyclers or gel electrophoresis
• Assay can be used in limited-resource settings
• Rapid, portable and cost-effective alternative to PCR and enzyme immune assays
*Development Stage:*
• Pre-clinical
• In vitro data available
*Inventors:* Michele S. Owen, Kelly Curtis, Donna L. Rudolph (all of CDC)
*Publications:*
1. Curtis KA, et al. Isothermal amplification using a chemical heating device for point-of-care detection of HIV–1. PLoS One. 2012;7(2):e31432. [PMID 22384022]
2. Curtis KA, et al. Sequence-specific detection method for reverse transcription, loop-mediated isothermal amplification of HIV–1. J Med Virol.

2009 Jun;81(6):966–72. [PMID 19382260]

3. Curtis KA, et al. Rapid detection of HIV–1 by reverse-transcription, loop-mediated isothermal amplification (RT–LAMP). J Virol Methods. 2008 Aug;151(2):264–70. [PMID 18524393]

*Intellectual Property:* HHS Reference No. E–173–2013/0—

- PCT Application No. PCT/US09/035130 filed 25 Feb 2009, which published as WO 2009/108693 on 03 Sep 2009
- US Patent Application No. 12/918,536 filed 20 Aug 2010

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Autocidal Gravid Ovitrap Mosquito Trap for Control and Surveillance of Mosquitoes**

*Description of Technology:* Mosquitoes are responsible for the transmission of a number of important zoonotic diseases, including dengue fever, malaria, and rift valley fever. The CDC–AGO (Autocidal Gravid Ovitrap) mosquito trap is a device that targets older female mosquitoes looking for a suitable place to lay eggs. This device is 45 centimeters tall with a 10-liter capacity to hold an attractant, such as water and decaying vegetation. The mosquitoes are captured by a nontoxic adhesive and eggs are collected on a hydrogel. The use of the hydrogel instead of a liquid prevents the larvae from hatched mosquito eggs from completing development.

Novel aspects of this technology are the use of non-toxic components and slow to dry hydrogel, as opposed to insecticide. While there are a number of chemical methods for controlling mosquitoes, these chemicals are always subject to the evolution of resistance from the mosquito population and, thus, there is a need for additional non-chemical control methods.

*Potential Commercial Applications:*

- Device for mosquito control
- May be useful in regions of the world affected by vector-borne zoonotic diseases, such as dengue fever, malaria, Rift Valley fever or West Nile virus

*Competitive Advantages:*

- Many ovitraps are short-lived as insecticide compound degrades over time and/or mosquito population becomes insecticide-resistant
- Utilizes a nontoxic adhesive and hydrogel polymer, as opposed to insecticide

*Development Stage:*

- Prototype
- In vitro data available

*Inventors:* Roberto Barrera, Andrew J. Mackay, Manuel Amador (all of CDC)

*Publications:*

1. Barrera, R. et al. 2010. ''Field Trials of a New Gravid-ovitrap for Integrated Area-wide Control of Aedes Aegypti in Puerto Rico.'' In Abstract Book, 83 (5 Supplement):179. The American Journal of Tropical Medicine and Hygiene. Atlanta, GA, USA. [*http://www.astmh.org/Meeting_Archives.htm*]

2. Mackay AJ, et al. An improved autocidal gravid ovitrap for the control and surveillance of Aedes aegypti. Parasit Vectors. 2013 Aug 6;6(1):225. [PMID 23919568]

*Intellectual Property:* HHS Reference No. E–166–2013/0—

- PCT Application No. PCT/US2012/025462 filed 16 Feb 2012, which published as WO 2012/112785 on 23 Aug 2012
- U.S. Patent Application No. 13/822,598 filed 12 Mar 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**sodC-Based Real-Time PCR Assay for Detection of *Neisseria meningitidis* Infection**

*Description of Technology:* CDC researchers have developed a real-time PCR assay for the detection of *Neisseria meningitidis* sodC within clinical specimens. The ability to detect all strains of *N. meningitidis,* regardless of individual serogroup, is the central innovation of this technology. Further, the assay is sensitive enough to detect even the very limited sample sizes of *N. meningitidis* that would typically be found in clinical specimens. This technology avoids potentially catastrophic false-negative results associated with current *N. meningitidis* carriage study testing methods. At least 16% of carried *N. meningitidis* lacks the ctrA gene, which is the current target of serogroup-based real-time PCR. *N. meningitidis* is the etiologic agent of epidemic bacterial meningitis and sepsis throughout the world and rapid detection of *N. meningitidis* infection is essential for patient well-being.

*Potential Commercial Applications:*

- Routine *N. meningitis* surveillance, especially useful in carriage studies
- Rapid, specific identification of *N. meningitis* infection

*Competitive Advantages:*

- Rapid, sensitive and specific
- Present culture detection methods are limited by low sensitivity and long incubation periods; this assay demonstrates improved detection of meningococci, regardless of encapsulation status or bacteria viability
- Circumvents ctrA-based testing-related false negative results in carriage studies
- No further technical development needed for commercialization

*Development Stage:*

- Early-stage
- In vitro data available

*Inventors:* Jennifer D. Thomas, Cynthia P. Hatcher, Raydel D. Mair, Mary J. Theodore (all of CDC)

*Publication:* Dolan TJ, et al. sodC-based real-time PCR for detection of Neisseria meningitidis. PLoS One. 2011 May 5;6(5):e19361. [PMID 21573213]

*Intellectual Property:* HHS Reference No. E–165–2013/0—

- PCT Application No. PCT/US2011/055784 filed 11 Oct 2011, which published as WO 2012/048339 on 12 Apr 2012
- US Patent Application No. 13/816,903 filed 03 Apr 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Real-Time PCR Assay for Specific Detection of *Haemophilus influenzae* Serotypes A and B**

*Description of Technology: Haemophilus influenzae* is responsible for life-threatening respiratory infections including meningitis. This assay allows for the qualitative detection of the bacterial meningitis pathogen *H. influenzae* serotype A (Hia) and serotype B (Hib) in fluid samples, without detecting any of the other serotypes of *H. influenzae.* This invention is capable of detecting even the very small numbers of Hia or Hib within clinical specimens.

*Potential Commercial Applications:*

- Meningitis nucleic acid-based diagnostics for testing clinical samples
- Useful for public health monitoring programs
- Surveillance of circulating *H. influenzae* serotypes

*Competitive Advantages:*

- Easily adapted to a real-time PCR assay (monoplex or multiplex) kit
- Rapid, accurate and specific, especially when compared to sero-diagnostic approaches
- No further testing need, presently ready for commercialization

*Development Stage:*

- Early-stage
- Pre-clinical
- In vitro data available

*Inventors:* Jennifer D. Thomas, Xin Wang, Cynthia P. Hatcher, Raydel Anderson, Mary J. Theodore, Leonard W. Mayer (all of CDC)

*Intellectual Property:* HHS Reference No. E–164–2013/0—

- PCT Application No. PCT/US2012/022753 filed 26 Jan 2012, which published as WO 2012/103353 on 02 Aug 2012

• U.S. Patent Application No. 13/996,913 filed 21 Jun 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Rapid Detection of Multi-Drug-Resistant *Mycobacterium tuberculosis* Using Real-Time PCR and High-Resolution Melt Analysis**

*Description of Technology:* CDC scientists have developed a rapid, sensitive, and specific real-time PCR assay that is capable of detecting the presence of *Mycobacterium tuberculosis* and determining its resistance profile to antibiotics, such as rifampicin and isoniazid. Currently, there are few assays available that are capable of both detecting *M. tuberculosis* and determining the bacteria's drug resistance. This assay incorporates multiple fluorescent chemistries, providing a simple and cost-effective method of determining the bacteria's drug resistance. Additionally, this assay may be used to quickly discriminate *Mycobacterium tuberculosis* complex (MTBC) strains from non-MTBC strains.

*Potential Commercial Applications:*

• Rapid screening of potential multi-drug-resistant *M. tuberculosis*

• Kits for diagnosis of *M. tuberculosis*

• Public health programs combating emerging drug-resistance in *M. tuberculosis;* clinics working with at-risk populations

*Competitive Advantages:*

• Robust and inexpensive way to detect dominant *M. tuberculosis* mutations

• Rapid results within 5 hours of obtaining DNA

• More cost-efficient and less complex than culturing and sequencing methods of determining drug-resistant status

*Development Status:*

• Early-stage

• In vitro data available

*Inventors:* James E. Posey, Jonas M. Winchell, Kelley Cowart, Melissa Ramirez (all of CDC)

*Publication:* Ramirez MV, et al. Rapid detection of multidrug-resistant Mycobacterium tuberculosis by use of real-time PCR and high-resolution melt analysis. J Clin Microbiol. 2010 Nov;48(11):4003–9. [PMID 20810777]

*Intellectual Property:* HHS Reference No. E–160–2013/0—

• PCT Application No. PCT/US2011/035217 filed 04 May 2011, which published as WO 2011/140237 on 10 Nov 2011

• US Patent Application No. 13/695,935 filed 02 Nov 2012

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Linear Epitopes of Anthrax Toxin Protective Antigen for Development of a Peptide Vaccine**

*Description of Technology: Bacillus anthracis* is a gram-positive, spore-forming bacteria that causes anthrax infection in humans. CDC inventors have identified epitope sequences of *B. anthracis* protective antigen (PA) that may be useful for development of peptide-based anthrax vaccines. This invention also relates to methods for determining whether post-vaccination protection is achieved. Specifically, this invention relates to a screening method for determining protection against *B. anthracis* infection that involves testing a biological sample for the presence of antibodies to one or more predefined regions of *B. anthracis* PA. This technology may be important to any bioterrorism defense strategy.

*Potential Commercial Applications:*

• Novel anthrax vaccines

• Post-vaccination screening to determine if anthrax protection is achieved

• Biodefense

*Competitive Advantages:*

• May require fewer vaccination follow-ups, while present anthrax vaccines require numerous rounds of injections and boosters for full-effectiveness

• Identified peptide sequences, representing regions of PA, elicit an immune response in primate and human sera studies

*Development Stage:*

• Pre-clinical

• In vitro data available

*Inventors:* Vera A. Semenova, Conrad P. Quinn, Jan Pohl, Pavel Svoboda (all of CDC)

*Intellectual Property:* HHS Reference No. E–158–2013/2—

• PCT Application No. PCT/US2011/024317 filed 10 Feb 2011, which published as WO 2011/100408 on 18 Aug 2011

• US Patent Application No. 13/577,878 filed 08 Aug 2012

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Multiplex Assay for Detection of Dengue Virus**

*Description of Technology:* Dengue virus (DENV) is the cause of dengue illness (dengue fever, dengue hemorrhagic fever, and dengue shock syndrome). CDC researchers have developed a RT–PCR multiplex assay that, prior to sero-conversion, selectively detects dengue virus in biological or other fluid media, such as whole blood, plasma, or serum. The primers and probes from this assay are sufficiently specific to amplify and detect all four DENV serotypes. This FDA-approved technology may provide an improved method for rapid and accurate serotyping of dengue virus in clinical and research settings.

*Potential Commercial Applications:*

• Rapid, simple and accurate dengue virus (DENV) serotype identification

• Diagnostic tool for clinical or research settings

*Competitive Advantages:*

• Increased sensitivity and efficiency compared to current antigen-based assays and single reaction real-time RT–PCR analyses

• Addresses need for accurate molecular diagnosis of DENV

• FDA approved technology

*Development Stage:*

• In vitro data available

• In situ data available (on-site)

*Inventors:* Jorge L. Munoz-Jordan, Edgardo Vergne-Maldonado, Gilberto A. Santiago (all of CDC)

*Publications:*

1. Munoz-Jordan JL, et al. Genetic relatedness of dengue viruses in Key West, Florida, USA, 2009–2010. Emerg Infect Dis. 2013 Apr;19(4):652–4. [PMID 23632064]

2. Santiago GA, et al. Analytical and clinical performance of the CDC real time RT–PCR assay for detection and typing of dengue virus. PLoS Negl Trop Dis. 2013 Jul 11;7(7):e2311. [PMID 23875046]

*Intellectual Property:* HHS Reference No. E–148–2013/0—PCT Application No. PCT/US2012/061828 filed 25 Oct 2012, which published as WO 2013/066705 on 10 May 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Use of Vitronectin as a Biomarker for the Detection of Dengue Hemorrhagic Fever**

*Description of Technology:* Dengue hemorrhagic fever (DHF) is a severe, potentially deadly infection spread by mosquitos. CDC scientists have identified vitronectin as an important biomarker of DHF. They have shown vitronectin is significantly reduced in DHF and severe dengue infections when compared to dengue non-hemorrhagic fever patients. Presently, DHF is established by assessing antibody concentrations and other rule-of-thumb criteria, but often these assays can be difficult to interpret and lead to false conclusions. Establishing vitronectin levels provides a specific, novel biomarker for DHF, leading to increased accuracy in clinical diagnoses and improved patient outcomes.

*Potential Commercial Applications:*
- Diagnostic biomarker of DHF
- Point-of-care diagnostic testing
- Enzyme-linked immunosorbent assay (ELISA) for clinical and laboratory use

*Competitive Advantages:*
- While there are commercially-available ELISAs to detect vitronectin, these products have not been used for dengue diagnosis
- Vitronectin assessment assays provide a novel, specific biomarker for the DHF disease state
- Easily developed for serologic diagnostic assays

*Development Stage:*
- Pre-clinical
- In vitro data available

*Inventors:* Elizabeth Hunsperger (CDC), Momar Ndao (McGill University), Kay Tomashek (CDC), Betty Poole-Smith (CDC)

*Publication:* Poole-Smith BK, et al. Discovery and Validation of Prognostic Biomarkers for Severe Dengue by Proteomic Screening. International Conference on Emerging Infectious Diseases 2012: poster and oral presentation abstracts. Emerg Infect Dis. 2012 Mar. [*http://wwwnc.cdc.gov/eid/pdfs/ICEID2012.pdf*]

*Intellectual Property:* HHS Reference No. E–147–2013/0—
- PCT Application No. PCT/US2012/025472 filed 16 Feb 2012, which published as WO 2013/130029 on 06 Sep 2013
- US Patent Application No. 13/985,507 filed 14 Aug 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

**Real-Time RT–PCR Assay for Detection of Noroviruses**

*Description of Technology:* A specific and sensitive TaqMan-based real-time (rt) RT–PCR assay has been developed by CDC scientists for detection of noroviruses in clinical and environmental specimens. This assay can be implemented to rapidly detect and distinguish norovirus strains from genogroups I and II, which are responsible for the majority of human infections. Additionally, the assay is multiplexed with an internal extraction control virus (coliphage MS2) to validate the results of the assay. Since the virus cannot be grown in cell culture and enzyme immunoassays lack the necessary sensitivity, this technology is particularly useful.

*Potential Commercial Applications:*
- Development of norovirus diagnostics
- Specific rtRT–PCR assay for detecting and distinguishing of the major pathogenic norovirus genogroups (I and II) within clinical and environmental samples

*Competitive Advantages:*
- This is an internally controlled, multiplexed assay capable of rapid, accurate identification of norovirus genogroups responsible for human illness
- Superior sensitivity compared with immunoassay detection methods

*Development Stage:*
- Pre-clinical
- In vitro data available

*Inventors:* Jan Vinje, Nicole Gregoricus, Preeti Chhabra, Leslie Barclay, Hannah Shirley, David Lee (all of CDC)

*Publications:*

1. Vega E, et al. Novel surveillance network for norovirus gastroenteritis outbreaks, United States. Emerg Infect Dis. 2011 Aug;17(8):1389–95. [PMID 21801614]
2. Schultz AC, et al. Development and evaluation of novel one-step TaqMan realtime RT–PCR assays for the detection and direct genotyping of genogroup I and II noroviruses. J Clin Virol. 2011 Mar;50(3):230–4. [PMID 21195660]

*Intellectual Property:* HHS Reference No. E–145–2013/0—PCT Application No. PCT/US2012/065269 filed 15 Nov 2012, which published as WO 2013/074785 on 23 May 2013

*Licensing Contact:* Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov.*

Dated: January 23, 2014.

**Richard U. Rodriguez,**

*Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.*

[FR Doc. 2014–01635 Filed 1–28–14; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The concept review and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the concept review, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; Fetal Body Composition and Volumes in the NICHD Fetal Growth Studies.

*Date:* February 12, 2014.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate concept review.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Sathasiva B. Kandasamy, Ph.D., Scientific Review Officer, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Rockville, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS).

Dated: January 23, 2014.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–01632 Filed 1–28–14; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development; Special Emphasis Panel.

*Date:* February 3, 2014.

*Time:* 10:00 a.m. to 11:30 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Sherry L. Dupere, Ph.D., Chief, Scientific Review Branch, Scientific Review Branch, National Institute of Child Health And Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–451–3415, *duperes@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel, Alexander disease; Mechanisms, Modifiers and Therapeutics.

*Date:* February 7, 2014.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Scientific Review Branch, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Subcommittee.

*Date:* February 17–18, 2014.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Michele C. Hindi-Alexander, Ph.D., Division of Scientific Review, National Institutes of Health, Eunice Kennedy Shriver, National Institute for Child Health & Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20812–7510, (301) 435–8382, *hindialm@mail.nih.gov.*

*Name of Committee:* National Institute of Child Health and Human Development Initial Review Group; Obstetrics and Maternal-Fetal Biology Subcommittee.

*Date:* March 5, 2014.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Peter Zelazowski, Ph.D., Scientific Review Officer, National Institutes of Health, Nichd, DSR, 6100 Executive Blvd., Bethesda, MD 20892, 301–435–6902, *PETER.ZELAZOWSKI@NIH.GOV.*

*Name of Committee:* National Institute of Child Health and Human Development Initial Review Group; Developmental Biology Subcommittee.

*Date:* February 27, 2014.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.

*Contact Person:* Cathy J. Wedeen, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6100 Executive Blvd., Room 5B01–G, Bethesda, MD 20892, 301–435–6878, *wedeenc@mail.nih.gov.*

*Name of Committee:* National Institute of Child Health and Human Development Initial Review Group; Reproduction, Andrology, and Gynecology Subcommittee.

*Date:* March 3, 2014.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Washington, DC/Rockville Hotel, Rockville, MD 20852.

*Contact Person:* Dennis E. Leszczynski, Ph.D., Scientific Review Administrator, Scientific Review Branch, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–2717, *leszczyd@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS).

Dated: January 23, 2014.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–01630 Filed 1–28–14; 8:45 am]

**BILLING CODE 4140–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center for Complementary & Alternative Medicine; 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 Center for Complementary and Alternative Medicine Special Emphasis Panel; Interventional studies of non-pharmacological management of pain in military personnel (R01, R34).

*Date:* March 31–April 1, 2014.

*Time:* 8:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Downtown Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Hungyi Shau, Ph.D., Scientific review officer, National Center for Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracty Boulevard, Suite 401, Bethesda, MD 20892, 301–402–1030, *Hungyi.Shau@nih.gov.*

*Name of Committee:* National Center for Complementary and Alternative Medicine Special Emphasis Panel; Health Services and Observations of Non-Pharmacological Management of Pain In Military Personnel (R01).

*Date:* April 1, 2014.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Downtown Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Hungyi Shau, Ph.D., Scientific Review Officer, National Center for Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracty Boulevard, Suite 401, Bethesda, MD 20892, 301–402–1030, *Hungyi.Shau@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS).

Dated: January 23, 2014.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–01633 Filed 1–28–14; 8:45 am]

**BILLING CODE 4140–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Nursing Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Nursing Research Initial Review Group.
*Date:* February 24–25, 2014.
*Time:* 8:00 a.m. to 12:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
*Contact Person:* Weiqun Li, MD, Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd. Suite 710, Bethesda, MD 20892, (301) 594–5966, *wli@mail.nih.gov.*

*Name of Committee:* National Institute of Nursing Research Special Emphasis Panel; Effective Palliative/End of Life Care Interventions.
*Date:* February 28, 2014.
*Time:* 8:00 a.m. to 3:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, One Democracy Plaza, Suite 703, 6701 Democracy Boulevard Bethesda, MD 20892 (Telephone Conference Call).
*Contact Person:* Mario Rinaudo, MD Scientific Review Officer Office of Review, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd. (DEM 1), Suite 703, Bethesda, MD 20892, 301–594–5973, *mrinaudo@mail.nih.gov.*
(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS).

Dated: January 23, 2014.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–01631 Filed 1–28–14; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center for Complementary & Alternative Medicine; 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 Center for Complementary and Alternative Medicine Special Emphasis Panel; P01 Centers of Excellence in CAM Research.
*Date:* March 20–21, 2014.
*Time:* 8:00 a.m. to 4:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* Residence Inn Downtown Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
*Contact Person:* Peter Kozel, Ph.D., Scientific Review Officer, NCCAM, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892–5475, 301–496–8004, *kozelp@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS).

Dated: January 23, 2014.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–01634 Filed 1–28–14; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**[USCG–2013–0861]**

### Collection of Information Under Review by Office of Management and Budget

**AGENCY:** Coast Guard, DHS.

**ACTION:** Thirty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding Information Collection Requests (ICRs), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: 1625–0025, Carriage of Bulk Solids Requiring Special Handling—46 CFR Part 148. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

**DATES:** Comments must reach the Coast Guard and OIRA on or before February 28, 2014.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG–2013–0861] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) and/or to OIRA. To avoid duplicate submissions, please use only one of the following means:

(1) *Online:* (a) To Coast Guard docket at *http://www.regulations.gov.* (b) To OIRA by email via: *OIRA-submission@omb.eop.gov.*

(2) *Mail:* (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. (b) To OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Hand Delivery:* To DMF address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr Ave. SE., STOP 7710, Washington, DC 20593–7710.

**FOR FURTHER INFORMATION CONTACT:** Anthony Smith, Office of Information Management, telephone 202–475–3532 or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

**SUPPLEMENTARY INFORMATION:**

### Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden

on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICRs referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG 2013–0861], and must be received by February 28, 2014. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

**Submitting Comments**

If you submit a comment, please include the docket number [USCG–2013–0861]; indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *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 DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**, but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2013–0861'' in the ''Keyword'' box. 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 will address them accordingly.

**Viewing Comments and Documents**

To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2013–0861'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF 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., Monday through Friday, except Federal holidays.

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0025.

**Privacy Act**

Anyone can search the electronic form of comments received in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

**Previous Request for Comments**

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (78 FR 65351, October 31, 2013) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

**Information Collection Request**

1. *Title:* Carriage of Bulk Solids Requiring Special Handling—46 CFR Part 148.

*OMB Control Number:* 1625–0025.

*Type of Request:* Revision of a currently approved collection.

*Respondents:* Owners and operators of vessels that carry certain bulk solids.

*Abstract:* The information in an application for a Special Permit allows the Coast Guard to determine the manner of safe carriage of unlisted materials. The information required by Dangerous Cargo Manifests and Shipping Papers permits vessel crews and emergency personnel to properly and safely respond to accidents involving hazardous substances.

*Forms:* None.

*Burden Estimate:* The estimated burden has increased from 745 hours to 955 hours a year due to an increase in the estimated annual number of responses for special permits.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: January 23, 2014.

**R.E. Day,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.*

[FR Doc. 2014–01725 Filed 1–28–14; 8:45 am]

**BILLING CODE 9110–04–P**

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**[USCG–2013–1007]**

### Information Collection Requests to Office of Management and Budget

**AGENCY:** Coast Guard, DHS.

**ACTION:** Sixty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit Information Collection Requests (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collections of information: 1625–0057, Small Passenger Vessels—Title 46 Subchapters K and T and 1625–0064, Plan Approval and Records for Subdivision and Stability Regulations—Title 46 CFR Subchapter S. Our ICRs describe the information we seek to collect from the public. Before submitting these ICRs to OIRA, the Coast Guard is inviting comments as described below.

**DATES:** Comments must reach the Coast Guard on or before March 31, 2014.

**ADDRESSES:** You may submit comments identified by Coast Guard docket

number [USCG–2013–1007] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov*.

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov*.

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov*. Additionally, copies are available from: Commandant (CG–612), Attn Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., STOP 7710, Washington, DC 20593–7710.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

**SUPPLEMENTARY INFORMATION:**

## Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2013–1007], and must be received by March 31, 2014. We will post all comments received, without change, to *http://www.regulations.gov*. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

## Submitting Comments

If you submit a comment, please include the docket number [USCG–2013–1007], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *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 DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comments online, go to *http://www.regulations.gov,* and type ''USCG–2013–1007'' in the ''Keyword'' box. 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 will address them accordingly.

*Viewing comments and documents:* To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2013–1007'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF 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., Monday through Friday, except Federal holidays.

## Privacy Act

Anyone can search the electronic form of comments received in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

## Information Collection Requests

1. *Title:* Small Passenger Vessels—Title 46 Subchapters K and T.

*OMB Control Number:* 1625–0057.

*Summary:* The information requirements are necessary for the proper administration and enforcement of the program on safety of commercial vessels as it affects small passenger vessels. The requirements affect small passenger vessels (under 100 gross tons) that carry more than 6 passengers.

*Need:* Under the authority of 46 U.S.C. 3305 and 3306, the Coast Guard prescribed regulations for the design, construction, alteration, repair and operation of small passenger vessels to secure the safety of individuals and property on board. The Coast Guard uses the information in this collection to ensure compliance with the requirements.

*Forms:* CG–841, CG–854, CG–948, CG–949, CG–3752, CG–5256.

*Respondents:* Owners and operators of small passenger vessels.

*Frequency:* Annually and on occasion.

*Burden Estimate:* The estimated burden has increased from 379,784 hours to 399,420 hours a year due to an increase in the estimated annual number of respondents.

2. *Title:* Plan Approval and Records for Subdivision and Stability Regulations—Title 46 CFR Subchapter S.

*OMB Control Number:* 1625–0064.

*Summary:* The regulations require owners, operators, or masters of certain inspected vessels to obtain and/or post various documents as part of the Coast Guard commercial vessel safety program.

*Need:* Title 46 U.S.C. 3306 authorizes the Coast Guard to prescribe rules for the safety of certain vessels. Title 46 CFR Subchapter S contains the rules regarding subdivision and stability.

*Forms:* N/A.

*Respondents:* Owners, operators, or masters of vessels.

*Frequency:* On occasion.

*Burden Estimate:* The estimated burden has decreased from 13,624 hours to 10,639 hours a year due to a decrease in the average annual number of respondents.

Dated: January 23, 2014.

**R.E. Day,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.*

[FR Doc. 2014–01726 Filed 1–28–14; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R1–ES–2014–N017; FXES11130100000–145–FF01E00000]**

### Endangered Species; Issuance of Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permits.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have issued the following permits to conduct certain activities with endangered species under the authority of the Endangered Species Act, as amended (Act).

**ADDRESSES:** Program Manager for Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE. 11th Avenue, Portland, OR 97232–4181.

**FOR FURTHER INFORMATION CONTACT:** Colleen Henson, Fish and Wildlife Biologist, at the above address or by telephone (503–231–6131) or fax (503–231–6243).

**SUPPLEMENTARY INFORMATION:** We have issued the following permits to conduct activities with endangered species in response to recovery and interstate commerce permit applications we received under the authority of section 10 of the Act (16 U.S.C. 1531 *et seq.*). These permits were issued between July 1 and December 31, 2013. Each permit listed below was issued only after we determined that it was applied for in good faith; that granting the permit would not be to the disadvantage of the listed species; that the proposed activities were for scientific research or would benefit the recovery or the enhancement of survival of the species, and that the terms and conditions of the permit were consistent with the purposes and policy set forth in the Act.

| Applicant | Permit No. | Date issued | Date expires |
|---|---|---|---|
| Bonneville Power Administration | 037151 | 07/31/2013 | 06/30/2014 |
| Bureau of Land Management | 005901 | 12/09/2013 | 10/14/2016 |
| Directorate of Public Works, U.S. Army | 043638 | 09/30/2013 | 12/18/2015 |
| Ha, Renee Robinette | 09155B | 10/31/2013 | 10/30/2016 |
| Hammond, Paul C | 212061 | 07/03/2013 | 05/25/2017 |
| Hawaii Volcanoes National Park | 018078 | 07/03/2013 | 06/27/2016 |
| Hoku'akua, LLC | 07458B | 11/18/2013 | 11/17/2018 |
| Lomnicky, Gregg A | 103595 | 08/29/2013 | 08/28/2017 |
| NOAA/NMFS Pacific Islands Fisheries Science Center | 72088A | 07/15/2013 | 12/31/2017 |
| Rock, Dennis F | 99618A | 08/29/2013 | 03/12/2014 |
| U.S. Geological Survey | 08551B | 07/15/2013 | 12/31/2016 |
| USDA Forest Service | 010354 | 07/08/2013 | 05/23/2017 |
| USDA Forest Service, Institute of Pacific Islands Forestry | 06459B | 11/18/2013 | 11/17/2017 |

### Availability of Documents

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents (see **FOR FURTHER INFORMATION CONTACT**).

### Authority

We provide this notice under the authority of section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: January 22, 2014.

**Richard Hannan,**

*Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2014–01717 Filed 1–28–14; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

**[145A2100DD/A0T500000.000000/AAK3000000]**

### Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the current list of 566 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. The list is updated from the notice published on May 6, 2013 (78 FR 26384).

**FOR FURTHER INFORMATION CONTACT:** Gail Veney, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 4513–MIB, 1849 C Street NW., Washington, DC 20240. Telephone number: (202) 513–7641.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103–454; 108 Stat. 4791, 4792),

and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and Alaska.

Amendments to the list include name changes and name corrections. To aid in identifying tribal name changes and corrections, the tribe's previously listed or former name is included in parentheses after the correct current tribal name. We will continue to list the tribe's former or previously listed name for several years before dropping the former or previously listed name from the list.

The listed Indian entities are acknowledged to have the immunities and privileges available to federally recognized Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: January 22, 2014.

**Kevin K. Washburn,**

*Assistant Secretary—Indian Affairs.*

**Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**

Absentee-Shawnee Tribe of Indians of Oklahoma
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas)
Alabama-Quassarte Tribal Town
Alturas Indian Rancheria, California
Apache Tribe of Oklahoma
Arapaho Tribe of the Wind River Reservation, Wyoming
Aroostook Band of Micmacs (previously listed as the Aroostook Band of Micmac Indians)
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
Augustine Band of Cahuilla Indians, California (previously listed as the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation)
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
Bay Mills Indian Community, Michigan
Bear River Band of the Rohnerville Rancheria, California
Berry Creek Rancheria of Maidu Indians of California
Big Lagoon Rancheria, California
Big Pine Paiute Tribe of the Owens Valley (previously listed as the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California)
Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California)
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
Bishop Paiute Tribe (previously listed as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California)
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
Blue Lake Rancheria, California
Bridgeport Indian Colony (previously listed as the Bridgeport Paiute Indian Colony of California)
Buena Vista Rancheria of Me-Wuk Indians of California
Burns Paiute Tribe (previously listed as the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon)
Cabazon Band of Mission Indians, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
Caddo Nation of Oklahoma
Cahto Tribe of the Laytonville Rancheria
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
California Valley Miwok Tribe, California
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
Capitan Grande Band of Diegueno Mission Indians of California: (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California;
Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California)
Catawba Indian Nation (aka Catawba Tribe of South Carolina)
Cayuga Nation
Cedarville Rancheria, California
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
Cherokee Nation
Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma)
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
Chicken Ranch Rancheria of Me-Wuk Indians of California
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
Chitimacha Tribe of Louisiana
Citizen Potawatomi Nation, Oklahoma
Cloverdale Rancheria of Pomo Indians of California
Cocopah Tribe of Arizona
Coeur D'Alene Tribe (previously listed as the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho)
Cold Springs Rancheria of Mono Indians of California
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
Comanche Nation, Oklahoma
Confederated Salish and Kootenai Tribes of the Flathead Reservation
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation)
Confederated Tribes of the Chehalis Reservation
Confederated Tribes of the Colville Reservation
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
Confederated Tribes of the Goshute Reservation, Nevada and Utah
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon)
Confederated Tribes of the Warm Springs Reservation of Oregon
Coquille Indian Tribe (previously listed as the Coquille Tribe of Oregon)
Cortina Indian Rancheria of Wintun Indians of California
Coushatta Tribe of Louisiana
Cow Creek Band of Umpqua Tribe of Indians (previously listed as the Cow Creek Band of Umpqua Indians of Oregon)
Cowlitz Indian Tribe
Coyote Valley Band of Pomo Indians of California
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Crow Tribe of Montana
Death Valley Timbi-sha Shoshone Tribe (previously listed as the Death Valley Timbi-Sha Shoshone Band of California)
Delaware Nation, Oklahoma
Delaware Tribe of Indians
Dry Creek Rancheria Band of Pomo Indians, California (previously listed as the Dry Creek Rancheria of Pomo Indians of California)
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada

Eastern Band of Cherokee Indians
Eastern Shawnee Tribe of Oklahoma
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
Elk Valley Rancheria, California
Ely Shoshone Tribe of Nevada
Enterprise Rancheria of Maidu Indians of California
Ewiiaapaayp Band of Kumeyaay Indians, California
Federated Indians of Graton Rancheria, California
Flandreau Santee Sioux Tribe of South Dakota
Forest County Potawatomi Community, Wisconsin
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
Fort McDowell Yavapai Nation, Arizona
Fort Mojave Indian Tribe of Arizona, California & Nevada
Fort Sill Apache Tribe of Oklahoma
Gila River Indian Community of the Gila River Indian Reservation, Arizona
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
Greenville Rancheria (previously listed as the Greenville Rancheria of Maidu Indians of California)
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
Guidiville Rancheria of California
Habematolel Pomo of Upper Lake, California
Hannahville Indian Community, Michigan
Havasupai Tribe of the Havasupai Reservation, Arizona
Ho-Chunk Nation of Wisconsin
Hoh Indian Tribe (previously listed as the Hoh Indian Tribe of the Hoh Indian Reservation, Washington)
Hoopa Valley Tribe, California
Hopi Tribe of Arizona
Hopland Band of Pomo Indians, California (formerly Hopland Band of Pomo Indians of the Hopland Rancheria, California)
Houlton Band of Maliseet Indians
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
Iipay Nation of Santa Ysabel, California (previously listed as the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation)
Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
Ione Band of Miwok Indians of California
Iowa Tribe of Kansas and Nebraska
Iowa Tribe of Oklahoma
Jackson Rancheria of Me-Wuk Indians of California
Jamestown S'Klallam Tribe
Jamul Indian Village of California
Jena Band of Choctaw Indians
Jicarilla Apache Nation, New Mexico
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
Kalispel Indian Community of the Kalispel Reservation
Karuk Tribe (previously listed as the Karuk Tribe of California)
Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
Kaw Nation, Oklahoma
Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo)
Keweenaw Bay Indian Community, Michigan
Kialegee Tribal Town
Kickapoo Traditional Tribe of Texas
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
Kickapoo Tribe of Oklahoma
Kiowa Indian Tribe of Oklahoma
Klamath Tribes
Koi Nation of Northern California (previously listed as the Lower Lake Rancheria, California)
Kootenai Tribe of Idaho
La Jolla Band of Luiseno Indians, California (previously listed as the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation)
La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
Little River Band of Ottawa Indians, Michigan
Little Traverse Bay Bands of Odawa Indians, Michigan
Lone Pine Paiute-Shoshone Tribe (previously listed as the Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California)
Los Coyotes Band of Cahuilla and Cupeno Indians, California (previously listed as the Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation)
Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington)
Lower Sioux Indian Community in the State of Minnesota
Lummi Tribe of the Lummi Reservation
Lytton Rancheria of California
Makah Indian Tribe of the Makah Indian Reservation
Manchester Band of Pomo Indians of the Manchester Rancheria, California (previously listed as the Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California)
Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
Mashantucket Pequot Indian Tribe (previously listed as the Mashantucket Pequot Tribe of Connecticut)
Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.)
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
Mechoopda Indian Tribe of Chico Rancheria, California
Menominee Indian Tribe of Wisconsin
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
Miami Tribe of Oklahoma
Miccosukee Tribe of Indians
Middletown Rancheria of Pomo Indians of California
Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
Mississippi Band of Choctaw Indians
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
Mohegan Indian Tribe of Connecticut
Mooretown Rancheria of Maidu Indians of California
Morongo Band of Mission Indians, California (previously listed as the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation)
Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington)
Narragansett Indian Tribe
Navajo Nation, Arizona, New Mexico & Utah
Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho)
Nisqually Indian Tribe (previously listed as the Nisqually Indian Tribe of the Nisqually Reservation, Washington)
Nooksack Indian Tribe

Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
Northfork Rancheria of Mono Indians of California
Northwestern Band of Shoshoni Nation (previously listed as the Northwestern Band of Shoshoni Nation of Utah (Washakie)
Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.)
Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota)
Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan)
Omaha Tribe of Nebraska
Oneida Nation of New York
Oneida Tribe of Indians of Wisconsin
Onondaga Nation
Otoe-Missouria Tribe of Indians, Oklahoma
Ottawa Tribe of Oklahoma
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 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))
Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
Pala Band of Luiseno Mission Indians of the Pala Reservation, California
Pascua Yaqui Tribe of Arizona
Paskenta Band of Nomlaki Indians of California
Passamaquoddy Tribe
Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
Pawnee Nation of Oklahoma
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
Penobscot Nation (previously listed as the Penobscot Tribe of Maine)
Peoria Tribe of Indians of Oklahoma
Picayune Rancheria of Chukchansi Indians of California
Pinoleville Pomo Nation, California (previously listed as the Pinoleville Rancheria of Pomo Indians of California)
Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)
Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama)
Pokagon Band of Potawatomi Indians, Michigan and Indiana
Ponca Tribe of Indians of Oklahoma
Ponca Tribe of Nebraska
Port Gamble S'Klallam Tribe (previously listed as the Port Gamble Band of S'Klallam Indians)
Potter Valley Tribe, California
Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas)
Prairie Island Indian Community in the State of Minnesota
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 Picuris, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of San Felipe, New Mexico
Pueblo of San Ildefonso, New Mexico
Pueblo of Sandia, New Mexico
Pueblo of Santa Ana, New Mexico
Pueblo of Santa Clara, New Mexico
Pueblo of Taos, New Mexico
Pueblo of Tesuque, New Mexico
Pueblo of Zia, New Mexico
Puyallup Tribe of the Puyallup Reservation
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
Quartz Valley Indian Community of the Quartz Valley Reservation of California
Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
Quileute Tribe of the Quileute Reservation
Quinault Indian Nation (previously listed as the Quinault Tribe of the Quinault Reservation, Washington)
Ramona Band of Cahuilla, California (previously listed as the Ramona Band or Village of Cahuilla Mission Indians of California)
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Red Lake Band of Chippewa Indians, Minnesota
Redding Rancheria, California
Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California (previously listed as the Redwood Valley Rancheria of Pomo Indians of California)
Reno-Sparks Indian Colony, Nevada
Resighini Rancheria, California
Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
Robinson Rancheria Band of Pomo Indians, California (previously listed as the Robinson Rancheria of Pomo Indians of California)
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Round Valley Indian Tribes, Round Valley Reservation, California (previously listed as the Round Valley Indian Tribes of the Round Valley Reservation, California)
Sac & Fox Nation of Missouri in Kansas and Nebraska
Sac & Fox Nation, Oklahoma
Sac & Fox Tribe of the Mississippi in Iowa
Saginaw Chippewa Indian Tribe of Michigan
Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York)
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington)
San Carlos Apache Tribe of the San Carlos Reservation, Arizona
San Juan Southern Paiute Tribe of Arizona
San Manuel Band of Mission Indians, California (previously listed as the San Manual Band of Serrano Mission Indians of the San Manual Reservation)
San Pasqual Band of Diegueno Mission Indians of California
Santa Rosa Band of Cahuilla Indians, California (previously listed as the Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation)
Santa Rosa Indian Community of the Santa Rosa Rancheria, California
Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
Santee Sioux Nation, Nebraska
Sauk-Suiattle Indian Tribe
Sault Ste. Marie Tribe of Chippewa Indians, Michigan
Scotts Valley Band of Pomo Indians of California
Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations))
Seneca Nation of Indians (previously listed as the Seneca Nation of New York)
Seneca-Cayuga Tribe of Oklahoma
Shakopee Mdewakanton Sioux Community of Minnesota
Shawnee Tribe
Sherwood Valley Rancheria of Pomo Indians of California
Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
Shinnecock Indian Nation
Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation (previously listed as the Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington)
Shoshone Tribe of the Wind River Reservation, Wyoming
Shoshone-Bannock Tribes of the Fort Hall Reservation

Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
Skokomish Indian Tribe (previously listed as the Skokomish Indian Tribe of the Skokomish Reservation, Washington)
Skull Valley Band of Goshute Indians of Utah
Smith River Rancheria, California
Snoqualmie Indian Tribe (previously listed as the Snoqualmie Tribe, Washington)
Soboba Band of Luiseno Indians, California
Sokaogon Chippewa Community, Wisconsin
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
Spirit Lake Tribe, North Dakota
Spokane Tribe of the Spokane Reservation
Squaxin Island Tribe of the Squaxin Island Reservation
St. Croix Chippewa Indians of Wisconsin
Standing Rock Sioux Tribe of North & South Dakota
Stillaguamish Tribe of Indians of Washington (previously listed as the Stillaguamish Tribe of Washington)
Stockbridge Munsee Community, Wisconsin
Summit Lake Paiute Tribe of Nevada
Suquamish Indian Tribe of the Port Madison Reservation
Susanville Indian Rancheria, California
Swinomish Indian Tribal Community (previously listed as the Swinomish Indians of the Swinomish Reservation of Washington)
Sycuan Band of the Kumeyaay Nation
Table Mountain Rancheria of California
Tejon Indian Tribe
Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)
The Chickasaw Nation
The Choctaw Nation of Oklahoma
The Modoc Tribe of Oklahoma
The Muscogee (Creek) Nation
The Osage Nation (previously listed as the Osage Tribe)
The Quapaw Tribe of Indians
The Seminole Nation of Oklahoma
Thlopthlocco Tribal Town
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
Tohono O'odham Nation of Arizona
Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York)
Tonkawa Tribe of Indians of Oklahoma
Tonto Apache Tribe of Arizona
Torres Martinez Desert Cahuilla Indians, California (previously listed as the Torres-Martinez Band of Cahuilla Mission Indians of California)
Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington)
Tule River Indian Tribe of the Tule River Reservation, California
Tunica-Biloxi Indian Tribe
Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
Turtle Mountain Band of Chippewa Indians of North Dakota
Tuscarora Nation
Twenty-Nine Palms Band of Mission Indians of California
United Auburn Indian Community of the Auburn Rancheria of California
United Keetoowah Band of Cherokee Indians in Oklahoma
Upper Sioux Community, Minnesota
Upper Skagit Indian Tribe
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
Walker River Paiute Tribe of the Walker River Reservation, Nevada
Wampanoag Tribe of Gay Head (Aquinnah)
Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
Wilton Rancheria, California
Winnebago Tribe of Nebraska
Winnemucca Indian Colony of Nevada
Wiyot Tribe, California (previously listed as the Table Bluff Reservation—Wiyot Tribe)
Wyandotte Nation
Yankton Sioux Tribe of South Dakota
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona)
Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California)
Yomba Shoshone Tribe of the Yomba Reservation, Nevada
Ysleta Del Sur Pueblo of Texas
Yurok Tribe of the Yurok Reservation, California
Zuni Tribe of the Zuni Reservation, New Mexico

**Native Entities Within the State of Alaska Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**

Agdaagux Tribe of King Cove
Akiachak Native Community
Akiak Native Community
Alatna Village
Algaaciq Native Village (St. Mary's)
Allakaket Village
Angoon Community Association
Anvik Village
Arctic Village (See Native Village of Venetie Tribal Government)
Asa'carsarmiut Tribe
Atqasuk Village (Atkasook)
Beaver Village
Birch Creek Tribe
Central Council of the Tlingit & Haida Indian Tribes
Chalkyitsik Village
Cheesh-Na Tribe (previously listed as the Native Village of Chistochina)
Chevak Native Village
Chickaloon Native Village
Chignik Bay Tribal Council (previously listed as the Native Village of Chignik)
Chignik Lake Village
Chilkat Indian Village (Klukwan)
Chilkoot Indian Association (Haines)
Chinik Eskimo Community (Golovin)
Chuloonawick Native Village
Circle Native Community
Craig Tribal Association (previously listed as the Craig Community Association)
Curyung Tribal Council
Douglas Indian Association
Egegik Village
Eklutna Native Village
Ekwok Village
Emmonak Village
Evansville Village (aka Bettles Field)
Galena Village (aka Louden Village)
Gulkana Village
Healy Lake Village
Holy Cross Village
Hoonah Indian Association
Hughes Village
Huslia Village
Hydaburg Cooperative Association
Igiugig Village
Inupiat Community of the Arctic Slope
Iqurmuit Traditional Council
Ivanoff Bay Village
Kaguyak Village
Kaktovik Village (aka Barter Island)
Kasigluk Traditional Elders Council
Kenaitze Indian Tribe
Ketchikan Indian Corporation
King Island Native Community
King Salmon Tribe
Klawock Cooperative Association
Knik Tribe
Kokhanok Village
Koyukuk Native Village
Levelock Village
Lime Village

Manley Hot Springs Village
Manokotak Village
McGrath Native Village
Mentasta Traditional Council
Metlakatla Indian Community, Annette Island Reserve
Naknek Native Village
Native Village of Afognak
Native Village of Akhiok
Native Village of Akutan
Native Village of Aleknagik
Native Village of Ambler
Native Village of Atka
Native Village of Barrow Inupiat Traditional Government
Native Village of Belkofski
Native Village of Brevig Mission
Native Village of Buckland
Native Village of Cantwell
Native Village of Chenega (aka Chanega)
Native Village of Chignik Lagoon
Native Village of Chitina
Native Village of Chuathbaluk (Russian Mission, Kuskokwim)
Native Village of Council
Native Village of Deering
Native Village of Diomede (aka Inalik)
Native Village of Eagle
Native Village of Eek
Native Village of Ekuk
Native Village of Elim
Native Village of Eyak (Cordova)
Native Village of False Pass
Native Village of Fort Yukon
Native Village of Gakona
Native Village of Gambell
Native Village of Georgetown
Native Village of Goodnews Bay
Native Village of Hamilton
Native Village of Hooper Bay
Native Village of Kanatak
Native Village of Karluk
Native Village of Kiana
Native Village of Kipnuk
Native Village of Kivalina
Native Village of Kluti Kaah (aka Copper Center)
Native Village of Kobuk
Native Village of Kongiganak
Native Village of Kotzebue
Native Village of Koyuk
Native Village of Kwigillingok
Native Village of Kwinhagak (aka Quinhagak)
Native Village of Larsen Bay
Native Village of Marshall (aka Fortuna Ledge)
Native Village of Mary's Igloo
Native Village of Mekoryuk
Native Village of Minto
Native Village of Nanwalek (aka English Bay)
Native Village of Napaimute
Native Village of Napakiak
Native Village of Napaskiak
Native Village of Nelson Lagoon
Native Village of Nightmute
Native Village of Nikolski
Native Village of Noatak
Native Village of Nuiqsut (aka Nooiksut)
Native Village of Nunam Iqua (previously listed as the Native Village of Sheldon's Point)
Native Village of Nunapitchuk
Native Village of Ouzinkie
Native Village of Paimiut
Native Village of Perryville
Native Village of Pilot Point
Native Village of Pitka's Point
Native Village of Point Hope
Native Village of Point Lay
Native Village of Port Graham
Native Village of Port Heiden
Native Village of Port Lions
Native Village of Ruby
Native Village of Saint Michael
Native Village of Savoonga
Native Village of Scammon Bay
Native Village of Selawik
Native Village of Shaktoolik
Native Village of Shishmaref
Native Village of Shungnak
Native Village of Stevens
Native Village of Tanacross
Native Village of Tanana
Native Village of Tatitlek
Native Village of Tazlina
Native Village of Teller
Native Village of Tetlin
Native Village of Tuntutuliak
Native Village of Tununak
Native Village of Tyonek
Native Village of Unalakleet
Native Village of Unga
Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)
Native Village of Wales
Native Village of White Mountain
Nenana Native Association
New Koliganek Village Council
New Stuyahok Village
Newhalen Village
Newtok Village
Nikolai Village
Ninilchik Village
Nome Eskimo Community
Nondalton Village
Noorvik Native Community
Northway Village
Nulato Village
Nunakauyarmiut Tribe
Organized Village of Grayling (aka Holikachuk)
Organized Village of Kake
Organized Village of Kasaan
Organized Village of Kwethluk
Organized Village of Saxman
Orutsararmiut Traditional Native Council (previously listed as Orutsararmuit Native Village (aka Bethel))
Oscarville Traditional Village
Pauloff Harbor Village
Pedro Bay Village
Petersburg Indian Association
Pilot Station Traditional Village
Platinum Traditional Village
Portage Creek Village (aka Ohgsenakale)
Pribilof Islands Aleut Communities of St. Paul & St. George Islands
Qagan Tayagungin Tribe of Sand Point Village
Qawalangin Tribe of Unalaska
Rampart Village
Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Seldovia Village Tribe
Shageluk Native Village
Sitka Tribe of Alaska
Skagway Village
South Naknek Village
Stebbins Community Association
Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak)
Takotna Village
Tangirnaq Native Village (formerly Lesnoi Village (aka Woody Island))
Telida Village
Traditional Village of Togiak
Tuluksak Native Community
Twin Hills Village
Ugashik Village
Umkumiut Native Village (previously listed as Umkumiute Native Village)
Village of Alakanuk
Village of Anaktuvuk Pass
Village of Aniak
Village of Atmautluak
Village of Bill Moore's Slough
Village of Chefornak
Village of Clarks Point
Village of Crooked Creek
Village of Dot Lake
Village of Iliamna
Village of Kalskag
Village of Kaltag
Village of Kotlik
Village of Lower Kalskag
Village of Ohogamiut
Village of Old Harbor
Village of Red Devil
Village of Salamatoff
Village of Sleetmute
Village of Solomon
Village of Stony River
Village of Venetie (See Native Village of Venetie Tribal Government)
Village of Wainwright
Wrangell Cooperative Association
Yakutat Tlingit Tribe
Yupiit of Andreafski

[FR Doc. 2014–01683 Filed 1–28–14; 8:45 am]
BILLING CODE 4310–4J–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLCON03000.LF2200000.JS0000. LFESGZT40000]**

### Notice of Temporary Closure of Public Lands in Mesa County, Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of temporary closure.

**SUMMARY:** Notice is hereby given that a temporary closure is in effect on public lands administered by the Bureau of Land Management (BLM), Grand Junction Field Office, Grand Junction, Colorado.

**DATES:** This temporary closure will be in effect from 12:01 a.m. (Mountain Time) on January 29, 2014 until 11:59 p.m. (Mountain Time) on January 29, 2015 or until the Authorized Officer determines adequate rehabilitation has occurred, whichever comes first.

**ADDRESSES:** The Grand Junction Field Office address is 2815 H Road, Grand Junction, CO 81506.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Stevens, Grand Junction Field Office Manager, at the above address or by phone at 970–244–3000. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** This temporary closure affects public lands burned in the Pine Ridge Fire northeast of Grand Junction in Mesa County, Colorado. The BLM originally issued a one-year temporary closure following the fire. This closure ended on July 12, 2013. A second temporary closure is required for plants to establish to stabilize soil. The public lands within the temporary closure are administered by the BLM Grand Junction Field Office. The northern boundary of the temporary closure is located at Route 7729A; the western boundary of the temporary closure is located approximately eight miles west of De Beque, Colorado; the eastern boundary of the temporary closure is located at United States Interstate 70 and the Colorado River; and the southern boundary of the temporary closure is located at Cottonwood Creek. The legal description of the affected lands is:

**Colorado, Sixth Principal Meridian**

T. 9 S., R. 97 W., Sections 18, 19, and 30;
T. 9 S., R. 98 W., Sections 13 to 36, inclusive;
T. 10 S., R. 98 W., Sections 1 to 3, inclusive;
T. 9 S., R. 99 W., Sections 25 and 36.

The temporary closure encompasses all public lands within the 13,920 acres burned by the fire. This temporary closure is necessary due to the potential for erosion and sedimentation in the Colorado River that could result from travel on the burned area. The fire destroyed much of the natural vegetation that held soils in place. A temporary closure of public land to motorized and mechanized vehicles within the burned area is necessary to stabilize soils, prevent erosion and protect public health and safety. An annual mix was seeded shortly after the burn to stabilize the soil. The annual seeding had very poor germination and did not successfully stabilize the soil. The burned area was seeded again with native perennials once there was snow cover on the ground. The second seeding had a much higher success rate, but the plant species need more time to establish before public use is allowed. Public use of the burned area will hamper these efforts and delay rehabilitation.

The BLM will post closure signs at main entry points to the temporary closure area. The closure notice will be posted in the Grand Junction Field Office along with maps of the affected area and other documents associated with this closure including the Environmental Assessment for the Pine Ridge Fire (DOI–BLM–CO–130–2012–0048–EA). Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), 43 CFR 8360.0–7 and 43 CFR 8364.1, the BLM will enforce the following rule on public land affected by the Pine Ridge Fire described as follows: You must not enter the Pine Ridge Fire Temporary Closure Area by any means of motorized or mechanized transportation.

The following persons are exempt from this order: Federal, state and local officers and employees in the performance of their official duties; members of organized rescue or firefighting forces in the performance of their official duties; and persons with written authorization from the BLM.

Any person who violates the above rule(s) and/or restriction(s) may be tried before a United States Magistrate and fined no more than $1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

**John Mehlhoff,**
*BLM Colorado Acting State Director.*

[FR Doc. 2014–01753 Filed 1–28–14; 8:45 am]
BILLING CODE 4310–JB–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLNVS00560 L58530000 EU0000 241A; N–81959 et al.; 14–08807; MO# 4500060595; TAS: 14X5232]**

### Notice of Realty Action: Competitive Sale of 12 Parcels of Public Land in Clark County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to offer 12 parcels of public land totaling approximately 120 acres in the Las Vegas Valley by competitive sale, at not less than the appraised fair market values (FMV). The sale parcels will be offered for sale pursuant to the Southern Nevada Public Land Management Act of 1998 (SNPLMA), as amended. The sale will be subject to the applicable provisions of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) and BLM land sale regulations.

**DATES:** Interested parties may submit written comments regarding the proposed sale until March 17, 2014. The sale by sealed bid and oral public auction will be held on May 22, 2014 at the BLM Las Vegas Field Office at 10 a.m., Pacific Time. The FMV for the parcels will be available 30 days prior to the sale. The BLM will accept sealed bids beginning May 12, 2014. Sealed bids must be received by the BLM Las Vegas Field Office no later than 4:30 p.m. Pacific Time, on May 19, 2014. The BLM will open sealed bids on the day of the sale just prior to oral bidding.

**ADDRESSES:** Mail written comments and submit sealed bids to the BLM Las Vegas Field Office, Assistant Field Manager, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130.

**FOR FURTHER INFORMATION CONTACT:** Manuela Johnson at email: *manuela_johnson@blm.gov* or telephone: 702–515–5224. For general information on previous BLM public land sales, go to: *http://www.blm.gov/nv/st/en/snplma/Land_Auctions.html*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339

to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM proposes to offer 12 parcels of public land in two general locations in the southwest Las Vegas Valley: Gomer Road, Rainbow Boulevard, Jones Boulevard, Pyle Avenue, Decatur Boulevard, and Cactus Road; and Bermuda Road, Gillespie Street, and Starr Hills Avenue. The subject public lands are legally described as:

**Mount Diablo Meridian**

N–81959, 2.50 acres:

T. 22 S., R. 60 E.,
Sec. 27, NE¼NE¼SW¼NW¼.

N–81974, 2.50 acres:

T. 22 S., R. 60 E.,
Sec. 27, NW¼NW¼SW¼NE¼.

N–81975, 2.50 acres:

T. 22 S., R. 60 E.,
Sec. 27, NW¼NE¼SW¼NE¼.

N–91539, 22.50 acres:

T. 22 S., R. 60 E.,
Sec. 27, S½NW¼NE¼NW¼,
N½SW¼NE¼NW¼,
SW¼SW¼NE¼NW¼,
SE¼SE¼NW¼NW¼,
S½NE¼NW¼NW¼,
SE¼NW¼NW¼NW¼.

N–92061, 22.50 acres:

T. 22 S., R. 60 E.,
Sec. 25, SW¼NE¼SW¼,
E½SE¼NW¼SW¼,
NE¼NE¼SW¼SW¼,
N½NW¼SE¼SW¼.

N–92062, 25.00 acres:

T. 22 S., R. 60 E.,
Sec. 26, NW¼SE¼SE¼, NE¼SW¼SE¼,
W½SE¼SW¼SE¼.

N–92063, 5.00 acres:

T. 22 S., R. 60 E.,
Sec. 27, E½SE¼NE¼NW¼.

N–92064, 2.50 acres:

T. 22 S., R. 60 E.,
Sec. 27, NE¼NE¼NW¼NE¼.

N–92065, 5.00 acres:

T. 22 S., R. 60 E.,
Sec. 27, S½SE¼NW¼NE¼.

N–92066, 15.00 acres:

T. 22 S., R. 60 E.,
Sec. 27, NE¼NW¼NE¼NE¼,
S½NW¼NE¼NE¼,
N½SW¼NE¼NE¼,
NW¼SE¼NE¼NE¼.

N–92067, 2.50 acres:

T. 22 S., R. 60 E.,
Sec. 27, SE¼NW¼NW¼NE¼.

N–92068, 12.50 acres:

T. 22 S., R. 61 E.,
Sec. 33, S½NE¼SE¼SE¼,
N½SE¼SE¼SE¼, SW¼SE¼SE¼SE¼.

The areas described contain 120 acres, in Clark County.

A sales matrix is available on the BLM Web site at: *http://www.blm.gov/snplma*. The sale matrix provides information specific to each sale parcel such as: Legal description, physical location, encumbrances, acreage, and FMV. The FMV for each parcel is available in the sales matrix as soon as approved and no later than 30 days prior to the sale.

This proposed competitive sale is in conformance with the BLM Las Vegas Resource Management Plan and decision LD–1, approved by Record of Decision on October 5, 1998, and is in compliance with Section 203 of FLPMA. The specific proposed sale parcels covered by this notice were analyzed in the Las Vegas Valley Disposal Boundary Environmental Impact Statement and approved by Record of Decision on December 23, 2004. A parcel specific Determination of National Environmental Policy Act Adequacy document numbered DOI–BLM–NV–S010–2013–0171–DNA was prepared in connection with this Notice of Realty Action.

You may submit comments on this proposed sale to the address in the **ADDRESSES** section. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including any 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. The BLM will also publish this notice once a week for 3 consecutive weeks in the *Las Vegas Review-Journal*.

Sale procedures: Registration for oral bidding will begin at 8 a.m. Pacific Time and will end at 10 a.m. Pacific Time at the Las Vegas Field Office on the day of the sale. To participate in the competitive sale, each bidder must submit a bid guarantee deposit in the amount of $10,000 by certified check, postal money order, bank draft, or cashier's check made payable to the Department of the Interior—Bureau of Land Management. The public sale auction will be through sealed and oral bids. Sealed bids will be opened and recorded on the sale date to determine the high bids among the qualified bids received. Sealed bids above the FMV will set the starting point for oral bidding on a parcel. Parcels that receive no qualified sealed bids will begin at the established FMV.

Sealed bid envelopes must be clearly marked on the lower front left corner with the parcel number and name of the sale, for example: ''N–XXXXX, 12-parcel SNPLMA Sale 2014.'' Sealed bids must include an amount not less than 20 percent of the total amount bid and the $10,000 bid guarantee by certified check, postal money order, bank draft, or cashier's check made payable to the ''Department of the Interior—Bureau of Land Management.'' The bid guarantee and bid deposit may be combined into one form of deposit; the bidder must specify the amounts of the bid deposit and the bid guarantee. Personal or company checks will not be accepted. The sealed bid envelope *must* contain the 20 percent bid deposit, bid guarantee, and a completed and signed ''Certificate of Eligibility'' form stating the name, mailing address, and telephone number of the entity or person submitting the bid. Certificate of Eligibility forms are available at the BLM Las Vegas Field Office at the address listed in the **ADDRESSES** section and on the BLM Web site at: *http://www.blm.gov/nv/st/en/snplma/Land_Auctions.html*. Pursuant to 43 CFR 2711.3–1(c), if two or more sealed bid envelopes containing valid bids of the same amount are received, oral bidding will start at the sealed-bid amount. If there are no oral bids on the parcel, the authorized officer will determine the winning bidder. Bids for less than the federally approved FMV will not be qualified. The BLM will send the successful bidder(s) a high bidder letter with detailed information for full payment.

All funds submitted with unsuccessful bids will be returned to the bidders or their authorized representative upon presentation of acceptable photo identification at the BLM Las Vegas Field Office or by certified mail. If the apparent high bidder so chooses, the bid guarantee may be applied towards the required deposit. Failure to submit the deposit following the close of the sale under 43 CFR 2711.3–1(d) will result in forfeiture of the bid guarantee. For bidders that offer to purchase more than one parcel, the BLM will retain the bid guarantee, and may cancel the sale of all the parcels to that bidder, if the bidder fails to submit the bid deposit on any single parcel following the sale. If an offer to purchase one parcel results in default, the BLM may retain the bid deposit and cancel the sale to that bidder. If a high bidder is unable to consummate the transaction, for any reason, the second highest bid may be considered to purchase the parcel. If there are no acceptable bids, a parcel may remain available for sale at a future date in

accordance with competitive sale procedures without further legal notice.

Federal law requires that bidders must be:

1. A citizen of the United States 18 years of age or older;

2. A corporation subject to the laws of any State or of the United States;

3. A State, State instrumentality or political subdivision authorized to hold property; or

4. An entity legally capable of conveying and holding lands or interests therein under the laws of the State of Nevada.

United States citizenship is evidenced by presenting a birth certificate, passport, or naturalization papers. Failure to submit the above requested documents to the BLM within 30 days from receipt of the high-bidder letter will result in cancellation of the sale and forfeiture of the bid deposit. The successful bidder will be allowed 180 days from the date of the sale to submit the remainder of the full purchase price.

Publication of this notice in the **Federal Register** segregates the subject lands from all forms of appropriation under the public land laws, including the mining laws. Any subsequent application will not be accepted, will not be considered as filed, and will be returned to the applicant if the notice segregates from the use applied for in the application. The segregative effect of this notice terminates upon issuance of a patent or other document of conveyance to such lands; publication in the **Federal Register** of a termination of the segregation; or 2 years after the date of this publication, whichever occurs first. The segregation period may not exceed 2 years unless extended by the BLM State Director, Nevada, in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

Terms and Conditions: All minerals for the sale parcels will be reserved to the United States. The patents, when issued, will contain a mineral reservation to the United States for all minerals.

The parcels are subject to limitations prescribed by law and regulation, and certain encumbrances in favor of third parties. Prior to patent issuance, a holder of any right-of-way within the sale parcels will be given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable, or conversion to an easement. The BLM will notify valid existing right-of-way holders of record of their ability to convert their compliant rights-of-way to perpetual rights-of-way or easement. In accordance with Federal regulations at 43 CFR 2807.15, once notified, each valid holder may apply for the conversion of their current authorization.

The following numbered terms and conditions will appear on the conveyance documents for the sale parcels:

1. All minerals deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior are reserved to the United States, together with all necessary access and exit rights.

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. The parcels are subject to valid existing rights.

4. The parcels are subject to reservations for road, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities' transportation plans.

5. An appropriate indemnification clause protecting the United States from claims arising out of the lessees/patentee's use, occupancy, or occupations on the leased/patented lands.

Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h) (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1988, 100 Stat. 1670, notice is hereby given that the described lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for 1 year or more, nor had any hazardous substances been disposed of or released on the subject property.

No warranty of any kind, express or implied, is given by the United States as to the title, whether or to what extent the land may be developed, its physical condition, future uses, or any other circumstance or condition. The conveyance of a parcel will not be on a contingency basis. However, to the extent required by law, the parcel is subject to the requirements of Section 120(h) of the CERCLA.

Unless other satisfactory arrangements are approved in advance by the BLM authorized officer, conveyance of title will be through the use of escrow. Designation of the escrow agent will be through mutual agreement between the BLM and the prospective patentee, and costs of escrow will be borne by the prospective patentee.

Requests for all escrow instructions must be received by the BLM Las Vegas Field Office prior to 30 days before the prospective patentee's scheduled closing date. There are no exceptions.

All name changes and supporting documentation must be received at the BLM Las Vegas Field Office 30 days from the date on the high-bidder letter by 4:30 p.m. Pacific Time. Name changes will not be accepted after that date. To submit a name change, the apparent high bidder must submit the name change in writing on the Certificate of Eligibility form to the BLM Las Vegas Field Office.

The remainder of the full bid price for the parcel must be received no later than 4:30 p.m. Pacific Time, within 180 days following the day of the sale. Payment must be submitted in the form of a certified check, U.S. postal money order, bank draft, cashier's check, or made available by electronic fund transfer made payable in U.S. dollars to the ''Department of the Interior—Bureau of Land Management'' to the BLM Las Vegas Field Office. Personal or company checks will not be accepted.

Arrangements for electronic fund transfer to the BLM for payment of the balance due must be made a minimum of 2 weeks prior to the payment date. Failure to pay the full bid price prior to the expiration of the 180th day will disqualify the high bidder and cause the entire 20 percent bid deposit to be forfeited to the BLM. Forfeiture of the 20 percent bid deposit is in accordance with 43 CFR 2711.3–1(d). No exceptions will be made. The BLM cannot accept the remainder of the bid price after the 180th day of the sale date.

The BLM will not sign any documents related to 1031 Exchange transactions. The timing for completion of such an exchange is the bidder's responsibility. The BLM cannot be a party to any 1031 Exchange.

In accordance with 43 CFR 2711.3–1(f), within 30 days the BLM may accept or reject any or all offers to purchase, or withdraw any parcel of land or interest therein from sale, if, in the opinion of a BLM authorized officer, consummation of the sale would be inconsistent with any law, or for other reasons as may be provided by applicable law or regulations. No contractual or other rights against the United States may accrue until the BLM officially accepts the offer to purchase and the full bid price is paid.

Upon the publication of this Notice and until the completion of this sale, the BLM is no longer accepting land use applications affecting the parcel

identified for sale. However, land use applications may be considered after the sale if the parcel is not sold. The parcel may be subject to land use applications received prior to publication of this Notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcel. Information concerning the sale, encumbrances of record, appraisals, reservations, procedures and conditions, CERCLA, and other environmental documents that may appear in the BLM public files for the proposed sale parcels are available for review during business hours, 7:30 a.m. to 4:30 p.m. Pacific Time, Monday through Friday, at the BLM Las Vegas Field Office, except during Federal holidays.

In order to determine the FMV through appraisal, certain extraordinary assumptions and hypothetical conditions may have been made concerning the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this Notice, the BLM advises that these assumptions may not be endorsed or approved by units of local government.

It is the buyer's responsibility to be aware of all applicable Federal, State, and local government laws, regulations and policies that may affect the subject lands, including any required dedication of lands for public uses. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the lands will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It is the responsibility of the purchaser to be aware through due diligence of those laws, regulations, and policies, and to seek any required local approvals for future uses. Buyers should also make themselves aware of any Federal or State law or regulation that may impact the future use of the property. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in response to such comments. In the absence of any comments, this realty action will become the final determination of the Department of the Interior.

**Authority:** 43 CFR 2711.1–2.

**Catrina Williams,**

*Assistant Field Manager, Division of Lands.*

[FR Doc. 2014–01759 Filed 1–28–14; 8:45 am]

BILLING CODE 4310–HC–P

## INTERNATIONAL TRADE COMMISSION

**[Corrected; Inv. No. 337–TA–906]**

### Certain Standard Cell Libraries, Products Containing or Made Using the Same, Integrated Circuits Made Using the Same, and Products Containing Such Integrated Circuits; Institution of Investigation Pursuant to 19 U.S.C. 1337

**AGENCY:** U.S. International Trade Commission

**ACTION:** Correction of Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Correction is made to the Scope of Investigation section. The date the Commission ordered action under the scope should be corrected from January 7, 2014 to January 17, 2014.

By order of the Commission.

Issued: January 24, 2014.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2014–01704 Filed 1–28–14; 8:45 am]

BILLING CODE 7020–02–P

## INTERNATIONAL TRADE COMMISSION

**[USITC SE–14–002]**

### Sunshine Act Meetings

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** January 31, 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–510 and 731–TA–1245 (Preliminary) (Calcium Hypochlorite from China). The Commission is currently scheduled to complete and file its determinations on February 3, 2014; views of the Commission are currently scheduled to be completed and filed on February 10, 2014.
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: January 23, 2014.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2014–01819 Filed 1–27–14; 11:15 am]

BILLING CODE 7020–02–P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Notice of Registration; Irix Manufacturing, Inc.

By Notice dated August 5, 2013, and published in the **Federal Register** on August 14, 2013, 78 FR 49546, IRIX Manufacturing, Inc., 309 Delaware Street, Greenville, South Carolina 29605, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Noroxymorphone (9668), a basic class of controlled substance listed in schedule II.

The company plans to manufacture the listed controlled substance as API for clinical trials.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a), and determined that the registration of IRIX Manufacturing, Inc., to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated IRIX Manufacturing, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: January 15, 2014.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 2014–01781 Filed 1–28–14; 8:45 am]

BILLING CODE 4410–09–P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**Notice: (14–006)**

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

**DATES:** All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** All comments should be addressed to Ms. Frances Teel, Mail Code JF000, National Aeronautics and Space Administration, Washington, DC 20546–0001.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Ms. Frances Teel, NASA PRA Clearance Officer, NASA Headquarters, 300 E Street SW., Mail Code JF000, Washington, DC 20546. *Frances.C.Teel@nasa.gov*.

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

The National Aeronautics and Space Administration (NASA) is reinstating an existing information collection that is used to ensure the proper disposition of rights to inventions made in the course of NASA-funded research. Through this information collection, NASA tracks applicable inventions disclosed by its grant recipients.

### II. Method of Collection

NASA utilizes paper and electronic methods to collect information from grant recipients.

### III. Data

*Title:* Reports of Inventions—Grants with Educational and Non-Profit Entity.

*OMB Number:* 2700–0048.

*Type of review:* Reinstatement of a Previously Approved Information Collection with Change.

*Affected Public:* Not-for-profit institutions; Business or other for-profit; State, Local, or Tribal Government.

*Estimated Number of Respondents:* 6,606.

*Estimated Time per Response:* Variable.

*Estimated Total Annual Burden Hours:* 11,889.

*Estimated Total Annual Cost:* $391,148.

### IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

**Cheryl E. Parker,**

*Federal Register Liaison Officer.*

[FR Doc. 2014–01688 Filed 1–28–14; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

**NOTICE:** (14–008).

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

**DATES:** All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** All comments should be addressed to Frances Teel, National Aeronautics and Space Administration, Mail Code JF–000, Washington, DC 20546–0001.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., JF0000, Washington, DC 20546.

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

This information collection helps to ensure that engineering changes to contracts are made quickly and at a fair and reasonable price. Proposals supporting such change orders contain detailed cost and engineering information.

### II. Method of Collection

NASA does not prescribe a format for submission, though most contractors have cost collection systems which are used for proposal preparation. NASA encourages the use of computer technology for preparing proposals and submission.

### III. Data

*Title:* NFS 1843—Contract Modifications for Engineering Change Proposals.

*OMB Number:* 2700–0054.

*Type of review:* Extension of currently approved collection.

*Affected Public:* Business or other for-profit institutions.

*Estimated Number of Respondents:* 200.

*Estimated Time per Response:* 30 hours.

*Estimated Total Annual Burden Hours:* 6000 hours.

*Estimated Total Annual Cost:* $290,200.00.

### IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection.

They will also become a matter of public record.

**Cheryl E. Parker,**

*Federal Register Liaison Officer.*

[FR Doc. 2014–01687 Filed 1–28–14; 8:45 am]

BILLING CODE 7510–13–P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice 14–007]**

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

**DATES:** All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** All comments should be addressed to Frances Teel, National Aeronautics and Space Administration, Mail Code JF000, Washington, DC 20546–0001.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., Mail Code JF0000, Washington, DC 20546, *Frances.C.Teel@nasa.gov*.

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection that is used to help NASA assess the services provided by its procurement offices. The NASA Procurement Customer Survey is used to determine whether NASA's Procurement Offices are providing an acceptable level of service to the business/educational community, and if not, which areas need improvement. Respondents will be business concerns and educational institutions that have been awarded a NASA procurement, or are interested in receiving such an award. Response is voluntary. Results will be published.

### II. Method of Collection

Electronic.

### III. Data

*Title:* NASA Procurement Customer Survey.

*OMB Number:* 2700–0101.

*Type of review:* Reinstatement of previously approved information collection.

*Affected Public:* Business or other for-profit; Not-for-profit institutions.

*Estimated Number of Respondents:* 1000.

*Estimated Annual Responses:* 1.

*Estimated Time per Response:* 15 minutes.

*Estimated Total Annual Burden Hours:* 250.

*Estimated Total Annual Cost:* $5,583.

### IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

**Frances Teel,**

*NASA Clearance Officer.*

[FR Doc. 2014–01622 Filed 1–28–14; 8:45 am]

BILLING CODE 7510–13–P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

*Notice:* (14–009)

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

**DATES:** All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** All comments should be addressed to Frances Teel, National Aeronautics and Space Administration, Mail Code JF–000, Washington, DC 20546–0001.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., JF0000, Washington, DC 20546.

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

Contractors performing research and development are required by statutes, NASA implementing regulations, and OMB policy to submit reports of inventions, patents, data, and copyrights, including the utilization and disposition of same. The NASA New Technology Summary Report reporting form is being used for this purpose.

### II. Method of Collection

NASA FAR Supplement clauses for patent rights and new technology encourage the contractor to use an electronic form and provide a hyperlink to the electronic New Technology Reporting Web (eNTRe) site *http://invention.nasa.gov.* This Web site has been set up to help NASA employees and parties under NASA funding agreements (i.e., contracts, grants, cooperative agreements, and subcontracts) to report new technology information directly, via a secure Internet connection, to NASA.

### III. Data

*Title:* NFS 1827—Patents, Data, and Copyrights.

*OMB Number:* 2700–0052.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profit institutions.

*Estimated Number of Respondents:* 2,228.

*Estimated Time per Response:* 3 hours average.

*Estimated Total Annual Burden Hours:* 6,308.

*Estimated Total Annual Cost:* $304,992.00.

### IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance

of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

**Cheryl E. Parker,**

*Federal Register Liaison Officer.*

[FR Doc. 2014–01686 Filed 1–28–14; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**Notice: (14–005)**

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

**DATES:** All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** All comments should be addressed to Frances Teel, National Aeronautics and Space Administration, Mail Code JF–000, Washington, DC 20546–0001.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., JF0000, Washington, DC 20546.

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

The information submitted by recipients is an annual report of Government-owned property in the possession of Educational or Nonprofit institutions holding NASA grants. In addition the annual report, a property report may also be required at the end of the grant, or on the occurrence of certain events. The collected information is used by NASA to effectively maintain an appropriate internal control system for equipment and property provided or acquired under grants and cooperative agreements with institutions of higher education and other nonprofit organizations, and to comply with statutory requirements.

### II. Method of Collection

NASA is participating in Federal efforts to extend the use of information technology to more Government processes via Internet.

### III. Data

*Title:* Property Inventory Report—Grants with Educational and Nonprofit Entities (formerly titled: NASA Inventory Report: Property Management & Control, Grants).

*OMB Number:* 2700–0047.

*Type of review:* Reinstatement with Change/Previously Approved Information Collection.

*Affected Public:* Educational institutions and Not-for-profit institutions.

*Estimated Number of Respondents:* 255.

*Estimated Time per Response:* 2 hours per submission, and 8 hours of annual recordkeeping.

*Estimated Total Annual Burden Hours:* 2014 hours.

*Estimated Total Annual Cost:* $78,104.60.

### IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

**Frances Teel,**

*NASA PRA Clearance Officer.*

[FR Doc. 2014–01689 Filed 1–28–14; 8:45 am]

**BILLING CODE 7510–13–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. NRC–2013–0240]**

### Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on November 4, 2013 (78 FR 66077).

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Form 212 ''Qualifications Investigation, Professional, Technical, and Administrative Positions.''

3. *Current OMB approval number:* 3150–0033.

4. *The form number if applicable:* NRC Form 212.

5. *How often the collection is required:* On occasion. The forms are collected for every new hire to the NRC.

6. *Who will be required or asked to report:* Former employers, supervisors, and other references indicated on job applications are asked to complete the NRC Form 212.

7. *An estimate of the number of annual responses:* 1,000.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 500 hours.

9. *Abstract:* Information requested on NRC Form 212, ''Qualifications Investigation, Professional, Technical, and Administrative Positions'' is used to determine the qualifications and

suitability of external applicants for employment with the NRC. The completed form may be used to examine, rate and/or assess the prospective employee's qualifications. The information regarding the qualifications of applicants for employment is reviewed by professional personnel of the Office of the Chief Human Capital Officer, in conjunction with other information in the NRC files, to determine the qualifications of the applicant for appointment to the position under consideration.

The public may examine and have copied for a fee publicly available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by February 28, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Chad Whiteman, Desk Officer, Office of Information and Regulatory Affairs (3150–0033), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Chad_S_Whiteman@omb.eop.gov* or submitted by telephone at 202–395–4718.

The Acting NRC Clearance Officer is Kristen Benney, telephone: 301–415–6355.

Dated at Rockville, Maryland, this 23rd day of January, 2014.

For the Nuclear Regulatory Commission.

**Kristen Benney,**

*Acting NRC Clearance Officer, Office of Information Services.*

[FR Doc. 2014–01647 Filed 1–28–14; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[NRC–2013–0001]**

### Sunshine Act Meetings

**AGENCY:** Nuclear Regulatory Commission.

**DATE:** Week of January 20, 2014.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**Week of January 20, 2014**

*Friday, January 24, 2014*

1:10 p.m. Affirmation Session (Public Meeting) (Tentative)

USDOE HLW Repository, State of Nevada Petition for Clarification of 11/18/13 Restart Order and Related Staff Requirements Memorandum (11/27/13); ''Five Parties'' Motion for Reconsideration of Memorandum and Order (11/27/13) (Tentative).

* * * * *

*The schedule for Commission meetings is subject to change on short notice. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

**Additional Information**

By a vote of 4–0 on January 24, 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 was held on January 24, 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, 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 *Darlene.Wright@nrc.gov.*

Dated: January 24, 2014.

**Kenneth R. Hart,**

*Technical Coordinator, Office of the Secretary.*

[FR Doc. 2014–01879 Filed 1–27–14; 4:15 pm]

BILLING CODE 7590–01–P

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for Review: CyberCorps®: Scholarship For Service (SFS) Registration Web site

**AGENCY:** Office of Personnel Management.

**ACTION:** 30-Day Notice and request for comments.

**SUMMARY:** The Office of Personnel Management (OPM), Human Resources Solutions Division, offers the general public and other Federal agencies the opportunity to comment on an existing information collection request (ICR) 3206–0246, SFS Registration. 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 May 17, 2013, and no comments were received. The purpose of this notice is to allow an additional 30 days for public comments.

**DATES:** Comments are encouraged and will be accepted until February 28, 2014. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

**FOR FURTHER INFORMATION CONTACT:** A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

**SUPPLEMENTARY INFORMATION:** The information collection was previously published in the **Federal Register** on May 17, 2013 at 78 FR 26664, allowing

for a 60-day public comment period. No comments were received. The purpose of this notice is to allow an additional 30 days for public comments. 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 Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

The SFS Program was established by the National Science Foundation (NSF) in accordance with the Federal Cyber Service Training and Education Initiative as described in the President's *National Plan for Information Systems Protection.* This program seeks to increase the number of qualified students entering the fields of information assurance and computer security in an effort to respond to the threat to the Federal Government's information technology infrastructure. The program provides selected 4-year colleges and universities scholarship grants to attract students to the information assurance field. Participating students who receive scholarships from this program are required to serve a 10-week internship during their studies and complete a post-graduation employment commitment equivalent to the length of the scholarship or one year, whichever is longer. OPM operates this collection of information for NSF under a reimbursable (Economy Act) agreement. Approval of the Web page is necessary to facilitate the timely registration, selection and placement of program-enrolled students in Federal agencies.

**Analysis**

*Agency:* CyberCorps®: Scholarship For Service Program, Office of Personnel Management.

*Title:* Scholarship For Service (SFS) Program Internet Site.

*OMB Number:* 3206–0246.

*Frequency:* Annually.

*Affected Public:* Individuals or Households.

*Number of Respondents:* 630.

*Estimated Time per Respondent:* 1 hour.

*Total Burden Hours:* 630 hours.

**Katherine Archuleta,**

*Director, U.S. Office of Personnel Management.*

[FR Doc. 2014–01877 Filed 1–28–14; 8:45 am]

**BILLING CODE 6325–43–P**

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for Renewal: Information Collection 3206–0165; General Request for Investigative Information (INV 40), Investigative Request for Employment Data and Supervisor Information (INV 41), Investigative Request for Personal Information (INV 42), Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43), and Investigative Request for Law Enforcement Data (INV 44)

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** 60-Day Notice and request for comments.

**SUMMARY:** Federal Investigative Services (FIS), U.S. Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an information collection request (ICR), Office of Management and Budget (OMB) Control No. 3206–0165, for General Request for Investigative Information (INV 40), Investigative Request for Employment Data and Supervisor Information (INV 41), Investigative Request for Personal Information (INV 42), Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43), and Investigative Request for Law Enforcement Data (INV 44). As required by the Paperwork Reduction Act of 1995, as amended by the Clinger-Cohen Act, OPM is soliciting comments for this collection

**DATES:** Comments are encouraged and will be accepted until March 31, 2014. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Federal Investigative Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or sent by email to *FISFormsComments@opm.gov.*

**FOR FURTHER INFORMATION CONTACT:** A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Federal Investigative Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or sent by email to *FISFormsComments@opm.gov.*

**SUPPLEMENTARY INFORMATION:** 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 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 OPM, including whether the information will have practical utility;

2. Evaluate the accuracy of OPM'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 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.

Section 3(a) of Executive Order (E.O.) 10450, as amended, states that with specified exceptions, ''the appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation,'' and that ''in no event shall the investigation consist of less than a national agency check . . . and written inquiries to appropriate local law enforcement agencies, former employers and supervisors, references, and schools attended by the persons under investigation.'' This minimum investigation for appointment in the civil service is called the National Agency Check with Inquiries (NACI).

The INV 40, 41, 42, 43, and 44 are used to conduct the ''written inquiries'' portion of the NACI. They are also used in any investigation requiring the same written inquiries, including suitability investigations under E.O. 10577, as amended and 5 CFR part 731, for employment in positions defined in 5 CFR 731.101(b); investigations for employment in a sensitive national security position under E.O. 10450, as amended and 5 CFR part 732; certain investigations for eligibility for access to

classified information pursuant to standards promulgated under E.O. 12968, as amended; certain investigations for fitness for employment in the excepted service or as a contract employee, pursuant to investigative requirements prescribed by employing and contracting agencies; and investigations for identity credentials for long-term physical and logical access to Federally-controlled facilities and information systems, pursuant to standards promulgated under the Federal Information Security Management Act. The INV forms 40 and 44, in particular, facilitate OPM's access to criminal history record information under 5 U.S.C. 9101.

The content of the INV forms is also designed to meet notice requirements for personnel investigations specified by 5 CFR 736.102(c). These notice requirements apply to any ''investigation . . . to determine the suitability, eligibility, or qualifications of individuals for Federal employment, for work on Federal contracts, or for access to classified information or restricted areas.''

None of the forms are used for any purpose other than a personnel background investigation, as described above. The completed forms are maintained by OPM subject to the protections of the Privacy Act of 1974, as amended.

Procedurally, the subject of a personnel background investigation discloses the identity of relevant sources, such as supervisors, coworkers, neighbors, friends, current or former spouses, instructors, relatives, or schools attended, on the standard form (SF) 85, Questionnaire for Non-Sensitive Positions; the SF 85P, Questionnaire for Public Trust Positions; or the SF 86, Questionnaire for National Security Positions. After OPM receives a completed SF 85, SF 85P, or SF 86, the INV forms are distributed in accordance with investigative requirements, to the provided source contacts through an automated mailing operation.

The INV 40 is used to collect records from a Federal or State record repository or a credit bureau. The INV 44 is used to collect law enforcement data from a criminal justice agency. The INV 41, 42, and 43 are sent to employment references, associates, and schools attended. The INV 41, 42, and 43 forms disclose that the source's name was provided by the subject to assist in completing a background investigation to help determine the subject's suitability for employment or security clearance, and request that the source complete the form with information to help in this determination. Generally the subject of the investigation will identify these employment references, associates, and schools on his or her SF 85, SF 85P, or SF 86 questionnaire. However, information omitted on the questionnaire may be provided in a follow-up contact between the subject and an investigator. As indicated by the instructional guidance contained on the INV41, 42, and 43, the forms are not to be sent to employment references, associates, and schools that have not been identified by the subject of the investigation.

Approximately 339,888 INV 40 inquiries are sent to federal and non-federal agencies annually. The INV 40 takes approximately five minutes to complete. The estimated annual burden is 28,324 hours. Approximately 1,910,463 INV 41 inquiries are sent to previous and present employers and supervisors. The INV 41 takes approximately five minutes to complete. The estimated annual burden is 159,205 hours. Approximately 1,636,379 INV 42 inquiries are sent to individuals annually. The INV 42 takes approximately five minutes to complete. The estimated annual burden is 136,365 hours.

Approximately 411,444 INV 43 inquiries are sent to educational institutions annually. The INV 43 takes approximately five minutes to complete. The estimated annual burden is 34,287 hours. Approximately 1,341,526 INV 44 inquiries are sent to law enforcement agencies annually. The INV 44 takes approximately five minutes to complete. The estimated annual burden is 111,794 hours. The total number of respondents for the INV 40, INV 41, INV 42, INV 43, and INV 44 is 5,639,700 and the total estimated burden is 469,975 hours.

OPM proposes modifications to the INV 40, INV 41, INV 42, INV 43 and INV 44. To ensure the collection of distinct information regarding alcohol and/or drugs abuse, response options found on the INV 41, Question 5 and INV 42, Question 7 for 'abuse of alcohol and/or drugs' were amended to provide two separate response options, for 'abuse of alcohol' and 'abuse of drugs'.

The 'Financial integrity' option was amended to 'finances' to ensure clarity of information requested. The INV 41, Question 2, option c, 'discharged because of company cutback in workforce or change in skill need' was amended to 'separated because of company cutback in workforce or change in skill needs'; option e, 'discharged for unfavorable employment or conduct' was amended to 'fired for unfavorable employment or conduct'; and option f, 'resigned after informed of possible discharge' was amended to 'resigned after informed of possible firing' which aligns verbiage with the standard form questionnaires used to conduct background investigations for public trust and national security positions. The INV 43 title 'Investigative Request for Educational Registrar and Dean of Students Record Data' was amended to 'Investigative Request for Educational Record Data' to collect any information available from the educational institution beyond the previously noted Registrar or Dean of Students Record. The second page of the INV 40, INV 43 and INV 44 were amended to include 'print name'. This change will enhance information collected and align with the collections established on the INV 41 and INV 42. The INV 40, INV 41, INV 43 and INV 44 the 'your title' section was amended to 'your title/organization' to also enhance information collected.

OMB previously approved the OPM proposal to modify INV forms 40, 41, and 42 to provide instruction to respondents to indicate requests of confidentiality of his or her identity, and to call an office at OPM to receive approval of the request before completing the form. The purpose of this change is to more clearly establish the granting of confidentiality as permitted by the Privacy Act of 1974 and OPM's implementing regulations. Changes were not made to the forms at the time of the approval but will be a part of changes implemented with this renewal.

**Katherine Archuleta,**

*Director, U.S. Office of Personnel Management.*

[FR Doc. 2014–01874 Filed 1–28–14; 8:45 am]

BILLING CODE 6325–53–P

## SECURITIES AND EXCHANGE COMMISSION

**[Investment Company Act Release No. 30891; 812–14140]**

## USAA Asset Management Company, et al.; Notice of Application

January 23, 2014.

**AGENCY:** Securities and Exchange Commission (''Commission'').

**ACTION:** Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption

from sections 12(d)(1)(A) and (B) of the Act.

*Applicants:* USAA Asset Management Company (''USAA AMC''), USAA Investment Management Company (''USAA IMC''), and USAA ETF Trust (the ''Trust'').

**SUMMARY:** *Summary of Application:* Applicants request an order that permits: (a) Actively-managed series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

**DATES:** *Filing Dates:* The application was filed on March 28, 2013, and amended on September 19, 2013, and January 17, 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 February 18, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: 9800 Fredericksburg Road, San Antonio, TX 78288.

**FOR FURTHER INFORMATION CONTACT:** Steven I. Amchan, Senior Counsel, at (202) 551–6826 or Mary Kay Frech, 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 an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

**Applicants' Representations**

1. The Trust will be registered as an open-end management investment company under the Act and is a statutory trust organized under the laws of Delaware. The Trust anticipates offering 14 initial series (the ''Initial Funds'') with distinct investment objectives and strategies, as described in the application.

2. USAA AMC, a Delaware corporation with its principal office in San Antonio, Texas, is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') and will serve as investment adviser to the Initial Funds. The Advisor (as defined below) may in the future retain one or more sub-advisers (each a ''Subadvisor'') to manage the portfolios of the Funds (as defined below). Any Subadvisor will be registered under the Advisers Act or not subject to such registration. One or more registered broker-dealers under the Securities Exchange Act of 1934 (''Exchange Act,'' and such persons registered under the Exchange Act, ''Brokers''), which may be an affiliate of the Advisor and/or Subadvisors, will act as the distributor and principal underwriter of the Funds (each a ''Distributor'').[1] USAA IMC, an affiliate of USAA AMC, will act as the Distributor for the Initial Funds.

3. Applicants request that the order apply to the Initial Funds and any future series of the Trust as well as other open-end management companies that are exchange-traded funds (''ETFs'') and that utilize active management investment strategies (''Future Funds''). Any Future Fund will (a) be advised by USAA AMC or an entity controlling, controlled by, or under common control with USAA AMC (each, an ''Advisor''), and (b) comply with the terms and conditions of the application.[2] The Initial Funds and Future Funds together are the ''Funds.'' Each Fund will consist of a portfolio of securities (including fixed income and/or equity securities) and/or currencies, other assets, and other positions traded in U.S. and/or non-U.S. markets (''Portfolio Positions'').[3] Funds may invest in ''Depositary Receipts.''[4] Each Fund will operate as an actively managed ETF.

4. Applicants also request that any exemption under section 12(d)(1)(J) of the Act from sections 12(d)(1)(A) and (B) apply to: (i) any Fund that is currently or subsequently part of the same ''group of investment companies'' as the Initial Funds within the meaning of section 12(d)(1)(G)(ii) of the Act; (ii) any principal underwriter for the Fund; (iii) any Brokers selling Shares of a Fund to an Investing Fund (as defined below); and (iv) each management investment company or unit investment trust registered under the Act that is not part of the same ''group of investment companies'' as the Funds within the meaning of section 12(d)(1)(G)(ii) of the Act and that enters into a FOF Participation Agreement (as defined below) with a Fund (such management investment companies, ''Investing Management Companies,'' such unit investment trusts, ''Investing Trusts,'' and Investing Management Companies and Investing Trusts together, ''Investing Funds''). Investing Funds do not include the Funds.[5]

5. Applicants anticipate that a Creation Unit will consist of at least 25,000 Shares and that the trading price of a Share will range from $10 to $200. All orders to purchase Creation Units must be placed with the Distributor by or through a party that has entered into a participant agreement with the Distributor and the transfer agent of the Fund (''Authorized Participant'') with respect to the creation and redemption of Creation Units. An Authorized Participant is either: (a) a Broker or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation

[1] Applicants request that the order also apply to future Distributors that comply with the terms and conditions of the application.

[2] Any Advisor to a Future Fund will be registered as an investment adviser under the Advisers Act. All entities that currently intend to rely on the order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

[3] If a Fund invests in derivatives, then (a) the board of trustees (''Board'') of the Fund will periodically review and approve the Fund's use of derivatives and how the Advisor assesses and manages risk with respect to the Fund's use of derivatives, and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

[4] Depositary Receipts are typically issued by a financial institution, a ''depositary'', and evidence ownership in a security or pool of securities that have been deposited with the depositary. A Fund will not invest in any Depositary Receipts that the Advisor or Subadvisor deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants, any Future Fund, the Advisor, or any Subadvisor will serve as the depositary bank for any Depositary Receipts held by a Fund.

[5] An Investing Fund may rely on the order only to invest in Funds and not in any other registered investment company.

(''NSCC''), a clearing agency registered with the Commission and affiliated with the Depository Trust Company (''DTC''), or (b) a participant in the DTC (such participant, ''DTC Participant'').

6. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[6] On any given Business Day[7] the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or redemption, as the ''Creation Basket.'' In addition, the Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),[8] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots;[9] or (c) TBA Transactions,[10] short positions and other positions that cannot be transferred in kind[11] will be excluded from the Creation Basket.[12] If there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Balancing Amount'').

7. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Balancing Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC or DTC; or (ii) in the case of Funds holding non-U.S. investments, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Fund holding non-U.S. investments would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[13]

8. Each Business Day, before the open of trading on a national securities exchange, as defined in section 2(a)(26) of the Act (''Stock Exchange''), on which Shares are listed, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Balancing Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Stock Exchange will disseminate every 15 seconds throughout the trading day through the facilities of the Consolidated Tape Association an amount representing, on a per Share basis, the sum of the current value of the Portfolio Positions that were publicly disclosed prior to the commencement of trading in Shares on the Stock Exchange.

9. A Fund may recoup the settlement costs charged by NSCC and DTC by imposing a transaction fee on investors purchasing or redeeming Creation Units (the ''Transaction Fee''). The Transaction Fee will be borne only by purchasers and redeemers of Creation Units and will be limited to amounts that have been determined appropriate by the Advisor to defray the transaction expenses that will be incurred by a Fund when an investor purchases or redeems Creation Units.[14] All orders to purchase Creation Units will be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit all purchase orders to the relevant Fund. The Distributor will be responsible for delivering a prospectus (''Prospectus'') to those persons purchasing Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

10. Shares will be listed and traded at negotiated prices on a Stock Exchange and traded in the secondary market. Applicants expect that Stock Exchange specialists (''Specialists'') or market makers (''Market Makers'') will be assigned to Shares. The price of Shares trading on the Stock Exchange will be based on a current bid/offer in the secondary market. Transactions involving the purchases and sales of

[6] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[7] Each Fund will sell and redeem Creation Units on any day the Fund is open for business, including as required by section 22(e) of the Act (each, a ''Business Day'').

[8] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net asset value (''NAV'') for that Business Day.

[9] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[10] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price.

[11] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[12] Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Balancing Amount (defined below).

[13] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[14] Where a Fund permits an in-kind purchaser to deposit cash in lieu of depositing one or more Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to offset the cost to the Fund of buying those particular Deposit Instruments. In all cases, the Transaction Fee will be limited in accordance with the requirements of the Commission applicable to open-end management investment companies offering redeemable securities.

Shares on the Stock Exchange will be subject to customary brokerage commissions and charges.

11. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Specialists or Market Makers, acting in their unique role to provide a fair and orderly secondary market for Shares, also may purchase Creation Units for use in their own market making activities.[15] Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[16] Applicants expect that arbitrage opportunities created by the ability to continually purchase or redeem Creation Units at their NAV per Share should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

12. Shares will not be individually redeemable and owners of Shares may acquire those Shares from a Fund (other than pursuant to the Distribution Reinvestment Program as described below), or tender such shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed by or through an Authorized Participant.

13. Applicants will also give investors the option to purchase additional individual Shares through a ''Distribution Reinvestment Program.'' The Trust will make the DTC Dividend Reinvestment Service available for use by the beneficial owners of Shares (''Beneficial Owners'') through DTC Participants for reinvestment of their cash dividends.[17] DTC Participants whose customers participate in the program will have the distributions of their customers automatically reinvested in additional whole Shares issued by the applicable Fund at NAV per Share. Shares will be issued at NAV under the DTC Dividend Reinvestment Service regardless of whether the Shares are trading in the secondary market at a premium or discount to NAV as of the time NAV is calculated. Thus, Shares may be purchased through the DTC Dividend Reinvestment Service at prices that are higher (or lower) than the contemporaneous secondary market trading price. Applicants state that the DTC Dividend Reinvestment Service differs from dividend reinvestment services offered by broker-dealers in two ways. First, in dividend reinvestment programs typically offered by broker-dealers, the additional shares are purchased in the secondary market at current market prices at a date and time determined by the broker-dealer at its discretion. Shares purchased through the DTC Dividend Reinvestment Service are purchased directly from the fund on the date of the distribution at the NAV per share on such date. Second, in dividend reinvestment programs typically offered by broker-dealers, shareholders are typically charged a brokerage or other fee in connection with the secondary market purchase of shares. Applicants state that brokers providing the DTC Dividend Reinvestment Service to their customers will determine whether to charge Beneficial Owners a fee for this service, but that brokers typically do not charge customers such fees.

14. Applicants state that the DTC Dividend Reinvestment Service will be operated by DTC in exactly the same way it runs such service for other open-end management investment companies. The initial decision to participate in the DTC Dividend Reinvestment Service is made by the DTC Participant. Once a DTC Participant elects to participate in the DTC Dividend Reinvestment Service, it offers its customers the option to participate. Beneficial Owners will have to make an affirmative election to participate by completing an election notice. Before electing to participate, Beneficial Owners will receive disclosure describing the terms of the DTC Dividend Reinvestment Service and the consequences of participation. This disclosure will include a clear and concise explanation that under the Distribution Reinvestment Program, Shares will be issued at NAV, which could result in such Shares being acquired at a price higher or lower than that at which they could be sold in the secondary market on the day they are issued (this will also be clearly disclosed in the Prospectus).

15. Neither the Trust nor any Fund will be marketed or otherwise held out as a ''mutual fund.'' Instead, each Fund will be marketed as an ''actively-managed exchange-traded fund.'' In any advertising material where features of obtaining, buying or selling Creation Units or Shares are described, or where there is reference to redeemability, there will be an appropriate statement to the effect that Shares are not individually redeemable.

16. The Funds' Web site, which will be publicly available prior to the public offering of Shares, will include a Prospectus and additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[18]

## Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any

[15] If Shares are listed on The NASDAQ Stock Market LLC (''Nasdaq'') or a similar electronic Stock Exchange (including NYSE Arca), one or more member firms of that Stock Exchange will act as a Market Maker and maintain a market for Shares trading on that Stock Exchange. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq, for example, stipulate that at least two Market Makers must be registered in Shares to maintain a listing. In addition, on Nasdaq and NYSE Arca, registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker or Specialist will be an affiliated person or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares, as described below.

[16] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

[17] Some DTC Participants may not elect to utilize the DTC Dividend Reinvestment Service. Beneficial Owners will be encouraged to contact their broker to ascertain the availability of the DTC Dividend Reinvestment Service through such broker. The Prospectus will make clear to Beneficial Owners that the Distribution Reinvestment Program is optional and that its availability is determined by their broker, at its own discretion. Broker-dealers are not required to utilize the DTC Dividend Reinvestment Service, and may instead offer a dividend reinvestment program under which Shares are purchased in the secondary market at current market prices or no dividend reinvestment program at all.

[18] Applicants note that under accounting procedures followed by the Funds, trades made on the prior Business Day will be booked and reflected in NAV on the current Business Day. Accordingly, each Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for its NAV calculation at the end of such Business Day.

class of persons, securities or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

*Sections 5(a)(1) and 2(a)(32) of the Act*

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit each Fund to redeem Shares in Creation Units only. Applicants state that investors may purchase Shares from each Fund only in Creation Units (or through a Distribution Reinvestment Program) and redeem Shares from each Fund only in Creation Units. Applicants further state that because the market price of Creation Units will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

*Section 22(d) of the Act and Rule 22c–1 under the Act*

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices, and (c) ensure an orderly distribution system of investment company shares by eliminating price competition from brokers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity should ensure that the difference between the market price of Shares and their NAV remains immaterial.

*Section 22(e) of the Act*

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that settlement of redemptions of Creation Units of Funds holding non-U.S. investments is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign markets in which those Funds invest. Applicants are aware that, under certain circumstances, the delivery cycles for transferring Portfolio Positions to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to 14 calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within the maximum number of calendar days required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Positions of each Fund holding non-U.S. investments customarily clear and settle, but in all cases no later than 14 calendar days following the tender of a Creation Unit.[19]

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed and unforeseen delays in the actual payment of redemption proceeds. Applicants assert that the requested relief will not lead to the problems that section 22(e) was designed to prevent. Applicants state that allowing redemption payments for Creation Units of a Fund to be made within a maximum of 14 calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants state each Fund holding non-U.S. investments' statement of additional information (''SAI'') will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days and the maximum number of days needed to deliver the proceeds for each affected Fund holding non-U.S. investments. Applicants are not seeking relief from section 22(e) with respect to Funds holding non-U.S. investments that do not effect redemptions in-kind.

*Section 12(d)(1) of the Act*

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or,

[19] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations that it may otherwise have under rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade date.

together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Investing Funds to acquire Shares in excess of the limits in section 12(d)(1)(A) of the Act and to permit the Funds, their principal underwriters and any Broker to sell Shares to Investing Funds in excess of the limits in section 12(d)(l)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address any concerns regarding the potential for undue influence. To limit the control that an Investing Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Investing Management Company (''Investing Fund Advisor''), sponsor of an Investing Trust (''Sponsor''), any person controlling, controlled by, or under common control with the Investing Fund Advisor or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Investing Fund Advisor, the Sponsor, or any person controlling, controlled by, or under common control with the Investing Fund Advisor or Sponsor (''Investing Fund's Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Investing Management Company (''Investing Fund Sub-Advisor''), any person controlling, controlled by or under common control with the Investing Fund Sub-Advisor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Investing Fund Sub-Advisor or any person controlling, controlled by or under common control with the Investing Fund Sub-Advisor (''Investing Fund's Sub-Advisory Group'').

12. Applicants propose a condition to ensure that no Investing Fund or Investing Fund Affiliate [20] (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Investing Fund Advisor, Investing Fund Sub-Advisor, employee or Sponsor of the Investing Fund, or a person of which any such officer, director, member of an advisory board, Investing Fund Advisor, Investing Fund Sub-Advisor, employee or Sponsor is an affiliated person (except any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

13. Applicants propose several conditions to address the potential for layering of fees. Applicants note that the board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''disinterested directors or trustees''), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. Applicants also state that any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[21]

14. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent that the 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)(1) of the Act), or (b) acquires securities of another investment company pursuant to exemptive relief from the Commission permitting the Fund to (i) acquire shares of other investment companies for short-term cash management purposes or (ii) engage in interfund borrowing and lending transactions.

15. To ensure that an Investing Fund is aware of the terms and conditions of the requested order, the Investing Funds must enter into an agreement with the respective Funds (''FOF Participation Agreement''). The FOF Participation Agreement will include an acknowledgement from the Investing Fund that it may rely on the order only to invest in a Fund and not in any other investment company.

*Sections 17(a)(1) and (2) of the Act*

16. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person (''second tier affiliate''), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the management or policies of a company and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. Each Fund may be deemed to be controlled by an Advisor and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Advisor (an ''Affiliated Fund'').

17. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units by persons that are affiliated persons or second tier affiliates of the Funds solely

[20] An ''Investing Fund Affiliate'' is any Investing Fund Advisor, Investing Fund Sub-Advisor, Sponsor, promoter and principal underwriter of an Investing Fund, and any person controlling, controlled by or under common control with any of these entities. ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund or any person controlling, controlled by or under common control with any of these entities.

[21] Any reference to NASD Conduct Rule 2830 includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25% of the outstanding Shares of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25% of the Shares of one or more Affiliated Funds.[22] Applicants also request an exemption in order to permit a Fund to sell its Shares to and redeem its Shares from, and engage in any in-kind transactions that would accompany such sales and redemptions with, certain Investing Funds of which the Funds are affiliated persons or second-tier affiliates.[23]

18. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. The Deposit Instruments and Redemption Instruments available for a Fund will be the same for all purchasers and redeemers, respectively, and will correspond *pro rata* to the Fund's Portfolio Positions, except as described above. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be the same for all purchases and redemptions. Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Positions currently held by the relevant Funds, and the valuation of the Deposit Instruments and Redemption Instruments will be made in the same manner, regardless of the identity of the purchaser or redeemer. Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

19. Applicants also submit that the sale of Shares to and redemption of Shares from an Investing Fund meets the standards for relief under sections 17(b) and 6(c) of the Act. The FOF Participation Agreement will require any Investing Fund that purchases Creation Units directly from a Fund to represent that the purchase of Creation Units from a Fund by an Investing Fund will be accomplished in compliance with the investment restrictions of the Investing Fund and will be consistent with the investment policies set forth in the Investing Fund's registration statement. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund in accordance with policies and procedures set forth in the Fund's registration statement.[24] Applicants also state that the proposed transactions are consistent with the general purposes of the Act and appropriate in the public interest.

*Distribution Reinvestment Relief*

20. Applicants also seek an order to permit the Funds to operate the Distribution Reinvestment Program. Applicants state that the Distribution Reinvestment Program is reasonable and fair because it is voluntary and each Beneficial Owner will have in advance accurate and explicit information that makes clear the terms of the Distribution Reinvestment Program and the consequences of participation. The Distribution Reinvestment Program does not involve any overreaching on the part of any person concerned because it operates the same for each Beneficial Owner who elects to participate, and is structured in the public interest because it is designed to give those Beneficial Owners who elect to participate a convenient and efficient method to reinvest distributions without paying a brokerage commission. In addition, although brokers providing the Distribution Reinvestment Program could charge a fee, applicants represent that typically brokers do not charge for this service.

21. Applicants do not believe that the issuance of Shares under the Distribution Reinvestment Program will have a material effect on the overall operation of the Funds, including on the efficiency of the arbitrage mechanism inherent in ETFs. In addition, applicants do not believe that providing Beneficial Owners with an added optional benefit (the ability to reinvest in Shares at NAV) will change the Beneficial Owners' expectations about the Funds or the fact that individual Shares trade at secondary market prices. Applicants believe that Beneficial Owners (other than Authorized Participants) generally expect to buy and sell individual Shares only through secondary market transactions at market prices and that such owners will not be confused by the Distribution Reinvestment Program. Therefore, applicants believe that the Distribution Reinvestment Program meets the standards for relief under section 6(c) of the Act.

**Applicants' Conditions**

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

*A. ETF Relief*

1. As long as the Funds operate in reliance on the requested order, the Shares of the Funds will be listed on a Stock Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund (other than pursuant to the Distribution Reinvestment Program) and tender those Shares for redemption to the Fund in Creation Units only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain, on a per Share basis, for each Fund the prior Business Day's NAV and the market closing price or Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

5. The Advisor or any Subadvisor, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for the Fund through a transaction in which the Fund could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively-managed exchange-traded funds.

[22] Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of an Investing Fund because an investment adviser to the Funds is also an investment adviser to an Investing Fund.

[23] To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Investing Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Investing Fund and redemptions of those Shares. The requested relief is also intended to cover any in-kind transactions that would accompany such sales and redemptions.

[24] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Investing Fund, or an affiliated person of such person, for the purchase by the Investing Fund of Shares of the Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Investing Fund, may be prohibited by section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

*B. 12(d)(1) Relief*

1. The members of the Investing Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of the Investing Fund's Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Investing Fund's Advisory Group or the Investing Fund's Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Investing Fund's Sub-Advisory Group with respect to a Fund for which the Investing Fund Sub-Advisor or a person controlling, controlled by or under common control with the Investing Fund Sub-Advisor acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Investing Fund or Investing Fund Affiliate will cause any existing or potential investment by the Investing Fund in a Fund to influence the terms of any services or transactions between the Investing Fund or an Investing Fund Affiliate and the Fund or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to ensure that the Investing Fund Advisor and any Investing Fund Sub-Advisor are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or an Investing Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

4. Once an investment by an Investing Fund in the Shares of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the Board of a Fund, including a majority of the disinterested directors or trustees, will determine that any consideration paid by the Fund to the Investing Fund or an Investing Fund Affiliate in connection with any services or transactions: (i) is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment advisor(s), or any person controlling, controlled by or under common control with such investment advisor(s).

5. The Investing Fund Advisor, or Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Investing Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b-1 under the Act) received from a Fund by the Investing Fund Advisor, or Trustee or Sponsor, or an affiliated person of the Investing Fund Advisor, or Trustee or Sponsor, other than any advisory fees paid to the Investing Fund Advisor, or Trustee, or Sponsor, or its affiliated person by the Fund, in connection with the investment by the Investing Fund in the Fund. Any Investing Fund Sub-Advisor will waive fees otherwise payable to the Investing Fund Sub-Advisor, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Investing Fund Sub-Advisor, or an affiliated person of the Investing Fund Sub-Advisor, other than any advisory fees paid to the Investing Fund Sub-Advisor or its affiliated person by the Fund, in connection with the investment by the Investing Management Company in the Fund made at the direction of the Investing Fund Sub-Advisor. In the event that the Investing Fund Sub-Advisor waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment advisor to a Fund) will cause a Fund to purchase a security in an Affiliated Underwriting.

7. The Board of a Fund, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Investing Fund in the Fund. The Board will consider, among other things: (i) whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limits in section 12(d)(1)(A), an Investing Fund will execute a FOF Participation Agreement with the Fund stating that their respective boards of directors or trustees and their investment advisors, or Trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Investing Fund will notify the Fund of the investment. At such time, the Investing Fund will also transmit to the Fund a list of the names of each Investing Fund Affiliate and Underwriting Affiliate. The Investing Fund will notify the Fund of any changes to the list as soon as reasonably practicable after a change occurs. The

Fund and the Investing Fund will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company, including a majority of the disinterested directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund relying on the section 12(d)(1) relief will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent that the 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)(1) of the Act), or (b) acquires securities of another investment company pursuant to exemptive relief from the Commission permitting the Fund to (i) acquire shares of other investment companies for short-term cash management purposes or (ii) engage in interfund borrowing and lending transactions.

For the Commission, by the Division of Investment Management, under delegated authority.

**Elizabeth M. Murphy,**

*Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71375; File Nos. SR–BATS–2013–059; SR–BYX–2013–039]**

## Self-Regulatory Organizations; BATS Exchange, Inc.; BATS–Y Exchange, Inc.; Order Granting Approval of Proposed Rule Change in Connection With the Proposed Business Combination Involving BATS Global Markets, Inc. and Direct Edge Holdings LLC

January 23, 2014.

### I. Introduction

On November 25, 2013, BATS Exchange, Inc. (''BATS'') and BATS–Y Exchange, Inc. (''BYX'' and, together with BATS, the ''BATS Exchanges'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1)§ [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] proposed rule changes in connection with the proposed business combination (''Combination'') of their parent company, BATS Global Markets, Inc., and Direct Edge Holdings LLC (''DE Holdings''), the indirect parent company of EDGX Exchange, Inc. (''EDGX'') and EDGA Exchange, Inc. (''EDGA'' and, together with EDGX, the ''DE Exchanges'') (the BATS Exchanges and the DE Exchanges are the ''Exchanges'').[4] The proposed rule changes were published for comment in the **Federal Register** on December 12, 2013.[5] The Commission received no comments on the proposal.

The Commission has reviewed carefully the proposed rule changes and finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[6] In particular, the Commission finds that the proposed rule changes are consistent with Sections 6(b)(1) and (3) of the Act,[7] which, among other things, requires a national securities exchange to be so organized and have the capacity to be able to carry out the purposes of the Act, and to enforce compliance by its members and persons associated with its members with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange, and assure the fair representation of its members in the selection of its directors and administration of its affairs, and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer. The Commission also finds that the proposal is consistent with Section 6(b)(5) of the Act,[8] which requires that the rules of the exchange be designed 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.

### II. Discussion

*A. Corporate Structure*

1. Current Structure

BATS Global Markets, Inc., a Delaware corporation, owns 100 percent of the equity interests of each BATS Exchange. BATS Global Markets, Inc. also owns 100 percent of the equity interest in BATS Trading, Inc., a Delaware corporation (''BATS Trading''), that is a broker-dealer registered with the Commission that provides routing services outbound from and, in certain instances inbound to, each of the BATS Exchanges. Currently, BATS Global Markets, Inc. is beneficially owned primarily by a consortium of several unaffiliated firms, including Members [9] or affiliates of Members of the BATS Exchanges. No firm beneficially owns 20 percent or greater of BATS Global Markets, Inc., and the only firms beneficially owning ten percent or greater of BATS Global Markets, Inc. are: (1) GETCO Investments, LLC, an affiliate of KCG Holdings, Inc., (2) BGM Holding, L.P., a holding company itself owned by entities affiliated with the Spectrum Equity Investors and TA Associates Management private investment funds, and (3) Strategic Investments I, Inc., an

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The DE Exchanges submitted corresponding proposed rule changes relating to the Combination. *See* Securities Exchange Act Release Nos. 71046 (December 11, 2013), 78 FR 76416 (December 17, 2013) (SR–EDGA–2013–34) and 71045 (December 11, 2013) 78 FR 76480 (December 17, 2013) (SR–EDGX–2013–43).

[5] *See* Securities Exchange Act Release Nos. 71023 (December 6, 2013), 78 FR 75607 (SR–BATS–2013–059) and 71024 (December 6, 2013), 78 FR 75585 (SR–BYX–2013–039) (''Notices'').

[6] In approving the proposed rule changes, the Commission has considered their impact on efficiency, competition and capital formation. *See* 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(1) and (b)(3).

[8] 15 U.S.C. 78f(b)(5).

[9] With respect to each of the BATS Exchanges, the term ''Member'' is defined in Rule 1.5(n) of the BATS Exchanges' Rules as ''any registered broker or dealer that has been admitted to membership in the Exchange.''

affiliate of Morgan Stanley.[10] Seven other firms each beneficially own five percent or greater, but less than ten percent of BATS Global Markets, Inc., while seven other firms as well as various individuals each beneficially own less than five percent of BATS Global Markets, Inc.

DE Holdings, a Delaware limited liability company, owns 100 percent of the equity interest in Direct Edge, Inc., a Delaware corporation (''DEI''). DEI, in turn, owns 100 percent of the equity interest in two registered national securities exchanges, EDGX and EDGA, each a Delaware corporation. In addition, DE Holdings owns 100 percent of the equity interest in Direct Edge ECN LLC d/b/a DE Route, a Delaware limited liability company and the routing broker-dealer for the DE Exchanges (''DE Route'').

As a limited liability company, ownership in DE Holdings is represented by units held by ''LLC Members.'' Certain of the DE Holdings LLC Members are Members [11] or affiliates of Members of the Exchange. The BATS Exchanges noted their understanding that the International Securities Exchange Holdings, Inc. (''ISE Holdings'') is the only LLC Member of DE Holdings to beneficially own greater than 20 percent of the equity interest in DE Holdings. Other than ISE Holdings, the only firms beneficially owning ten percent or greater of DE Holdings (but in each case less than 20 percent) are Citadel Securities LLC, The Goldman Sachs Group, Inc., and an affiliate of KCG Holdings, Inc. No LLC Member beneficially owns five percent or greater, but less than ten percent of DE Holdings. Five other firms as well as various individuals each beneficially own less than five percent of DE Holdings.

2. The Combination

In connection with the Combination, several new entities were formed. BATS Global Markets Holdings, Inc., a Delaware corporation, is currently a wholly owned subsidiary of BATS Global Markets, Inc., and is currently a shell company with no material assets or operations. BATS Global Markets Holdings, Inc., in turn, owns 100 percent of the equity interest in each of Blue Merger Sub Inc., a Delaware corporation (''Blue Merger Sub''), and Delta Merger Sub LLC, a Delaware limited liability company (''Delta Merger Sub''). Each of Blue Merger Sub and Delta Merger Sub are currently shell companies with no material assets or operations.

As described in more detail below, at the closing of the Combination (''Closing''), BATS Global Markets, Inc. and DE Holdings will each become intermediate holding companies, held under a single new holding company upon the Closing. The new holding company, currently named ''BATS Global Markets Holdings, Inc.,'' will at that time change its name to ''BATS Global Markets, Inc.'' In addition, the current parent company of the BATS Exchanges, BATS Global Markets, Inc., will at that time change its name to ''BATS Global Markets Holdings, Inc.'' For ease of reference, this Order will refer to the current parent company of each BATS Exchange as ''Current BGM'' when referring to the entity prior to the Closing, and as ''BGM Holdings'' when referring to that entity after the Closing. The entity that will become the new top-level holding company that will, after Closing, own BGM Holdings and DE Holdings, will be referred to as ''New BGM.''

At the Closing, among other things, (1) Blue Merger Sub will merge with and into Current BGM, whereupon the separate existence of Blue Merger Sub will cease and Current BGM (to be renamed ''BGM Holdings'') will be the surviving company (the ''BATS Merger''); (2) Delta Merger Sub will merge with and into DE Holdings, whereupon the separate existence of Delta Merger Sub will cease and DE Holdings will be the surviving company (the ''Direct Edge Merger''); (3) by virtue of the BATS Merger and without any action required on the part of Current BGM, New BGM, Blue Merger Sub or any holder of Current BGM stock, each outstanding share of Current BGM stock issued and outstanding will be converted into the right to receive shares of New BGM stock, and each outstanding share of Blue Merger Sub issued and outstanding will be converted into one share of Current BGM, such that Current BGM will become a wholly owned subsidiary of New BGM; and (4) by virtue of the Direct Edge Merger and without any action required on the part of DE Holdings, New BGM, Delta Merger Sub, or any LLC Member, each LLC Member's membership interests in DE Holdings will be converted into the right to receive shares of New BGM stock, and each unit of ownership interest of Delta Merger Sub issued and outstanding will be converted into one unit of ownership of DE Holdings, such that DE Holdings will become a wholly owned subsidiary of New BGM.

As a result of the Combination, New BGM will own: (1) 100 percent of the equity interest in BGM Holdings (the entity previously referred to as Current BGM), and (2) 100 percent of the LLC membership interests in DE Holdings. BGM Holdings will continue to own 100 percent of the equity interest in the BATS Exchanges and BATS Trading. DE Holdings will continue to own 100 percent of the equity interest in DE Route and DEI. DEI will, in turn, continue to own 100 percent of the equity interest in the DE Exchanges. Each of the BATS Exchanges and BATS Trading, on the one hand, and the DE Exchanges and DE Route, on the other hand, will continue to operate separately.

The ownership of New BGM, as the new top-level holding company for the combined businesses, will be divided among the several firms and individuals that previously held equity interests in each of Current BGM and DE Holdings. Of the firms and individuals that are expected to hold equity interests in New BGM after the Closing, none will beneficially own 20 percent or greater of New BGM and only an affiliate of KCG Holdings, Inc. will beneficially own ten percent or greater. Seven firms will beneficially own five percent or greater, but less than ten percent, while 12 other firms as well as various individuals will each beneficially own less than five percent of New BGM.[12]

*B. Proposed Rule Changes*

Section 19(b) of the Act and Rule 19b–4 thereunder require a self-

[10] For purposes of this approval order (''Order''), references to the beneficial ownership of a ''firm'' refers to the aggregate beneficial ownership of the firm and its affiliated entities. *See* Notices, *supra* note 5, at 75608, n.6 and 75586, n.6.

[11] With respect to each of the DE Exchanges, the term ''Member'' is defined in Rule 1.5(n) of the DE Exchanges' Rules as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange.''

[12] ISE Holdings, which will beneficially own greater than five percent, but less than ten percent of New BGM, will receive common stock of New BGM designated as Class A Non-Voting Common Stock. As set forth in the New BGM Charter (as defined below), shares of Class A Non-Voting Common Stock are generally non-voting, except with respect to certain actions that would adversely affect the preferences, rights or powers of the holders of Class A Non-Voting Common Stock disproportionately relative to Voting Common Stock or the Class B Non-Voting Common Stock. *See* proposed New BGM Charter, Article FOURTH, para. (b)(ii). ISE Holdings' shares of Class A Non-Voting Common Stock may convert to Voting Common Stock: (1) Automatically with respect to any shares transferred to persons other than Related Persons of ISE Holdings; (2) upon the termination of the Investor Rights Agreement; or (3) automatically with respect to any shares of Class A Non-Voting Common Stock sold by ISE Holdings in any public offering of the stock of New BGM. *See* proposed New BGM Charter, Article FOURTH, para. (c); and Investor Rights Agreement, Section 2.2(j).

regulatory organization (''SRO'') to file proposed rule changes with the Commission. Although New BGM and Current BGM/BGM Holdings are not SROs, certain provisions of their proposed certificates of incorporation and bylaws, along with other corporate documents, are rules of the exchange, if they are stated policies, practices, or interpretations, as defined in Rule 19b–4 under the Act, and must be filed with the Commission pursuant to Section 19(b)(4) of the Act and Rule 19b–4 thereunder. Accordingly, each of the BATS Exchanges filed with the Commission the following documents, along with other corporate documents, in connection with the Combination: (1) Resolutions of Current BGM's board of directors (''Resolutions'') making certain determinations regarding New BGM and the impact of the Combination on the BATS Exchanges; (2) the proposed Amended and Restated Certificate of Incorporation of New BGM (''New BGM Charter''); [13] (3) the Amended and Restated Bylaws of New BGM (the ''New BGM Bylaws''); [14] (4) the proposed amendments to Current BGM's Second Amended and Restated Certificate of Incorporation (the ''Current BGM Charter,'' and after such amendments, the ''BGM Holdings Charter''); [15] (5) the proposed amendments to the Amended and Restated Bylaws of Current BGM (the ''Current BGM Bylaws,'' and after such amendments, the ''BGM Holdings Bylaws''); [16] (6) the proposed amendments to the Second Amended and Restated By-Laws of the BATS Exchanges (each, and collectively, the ''BATS Exchanges Bylaws''); (7) the proposed amendments to Rule 2.3 of each of the BATS Exchanges to reflect the affiliation between each BATS Exchange and two additional registered national securities exchanges; and (8) the proposed amendments to Rule 2.12 of each BATS Exchange to reflect the affiliation between the BATS Exchanges and the routing broker for EDGA and EDGX. Each of the BATS Exchanges also requested that the Commission approve the proposed indirect acquisition by an affiliate of each BATS Exchange of a Member of the BATS Exchanges and the resulting affiliation between the BATS Exchanges and the Member, as required under Rule 2.10 of each BATS Exchange.[17]

1. Voting and Ownership Limitations

The New BGM Charter includes restrictions on the ability to own and vote shares of capital stock of New BGM.[18] These limitations are designed to prevent any stockholder from exercising undue control over the operation of any of the BATS Exchanges or the DE Exchanges and to assure that the BATS Exchanges, the DE Exchanges, and the Commission are able to carry out their regulatory obligations under the Act.

Specifically, the proposed New BGM Charter includes restrictions on the ability to vote and own shares of stock of New BGM. Under the proposed New BGM Charter: (1) no person, either alone or together with its Related Persons,[19] at any time may, directly, indirectly or pursuant to any voting trust, agreement, plan or other arrangement (other than the Investor Rights Agreement), vote or cause the voting of shares of the capital stock of New BGM or give any consent or proxy with respect to shares representing more than 20 percent of the voting power of the then issued and outstanding capital stock of New BGM,[20] and (2) no person, either alone or together with its Related Persons, enter into any agreement, plan or other arrangement (other than the Investor Rights Agreement) with any other Person,[21] either alone or together with its Related Persons, under circumstances that would result in the shares of capital stock of New BGM that are subject to such agreement, plan or other arrangement not being voted on any matter or matters or any proxy relating thereto being withheld, where the effect of such agreement, plan or other arrangement would be to enable any Person, either alone or together with its Related Persons, to vote, possess the right to vote or cause the voting of shares of the capital stock of New BGM that would represent more than 20 percent of said voting power (the ''New BGM Voting Restrictions'').[22]

In addition, the New BGM Charter includes ownership restrictions that provide that: (1) no Person, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than 40 percent of any class of capital stock of New BGM, and (2) no Member of any of the BATS Exchanges or the DE Exchanges, either alone or together with its Related

[13] The BATS Exchanges noted that theNew BGM Charter is modeled on, and substantially similar to the Current BGM Charter, except with respect to the following: (1) an increase in the number of authorized shares that New BGM will have authority to issue, which is the result of an increase in the number of stockholders that New BGM will have following the Closing; (2) the designation of Class A Non-Voting Common Stock and Class B Non-Voting Common Stock (the Current BGM Charter has only one class of Non-Voting Common Stock), the rights and preferences of which are identical to each other except for conversion rights; (3) minor differences in certain defined terms; and (4) several non-substantive differences and typographical corrections. *See* Notices, *supra* note 5, at 75611–75613 and 75589–90.

[14] The New BGM Bylaws are modeled on, and substantially similar to the Current BGM Bylaws, except with respect to the following: (1) The provision for two separate corporate officer positions, one known as the ''Chief Executive Officer'' and another known as ''President,'' instead of one position known as ''The President and Chief Executive Officer;'' (2) an increase in the size of the board of directors from 13 members to 15 members; (3) changes in terminology to reflect the new ownership structure; (4) minor differences in defined terms; and (5) several non-substantive differences and typographical corrections. *See* Notices, *supra* note 5, at 75613 and 75591.

[15] The BATS Exchanges note that the BGM Holdings Charter is modeled on, and substantially similar to, the current certificate of incorporation of DEI, which is similarly situated as an intermediate holding company between DE Holdings and the DE Exchanges. *See* Notices, *supra* note 5, at 75613 and 75591.

[16] The BATS Exchanges note that the BGM Holdings Bylaws are modeled on, and substantially similar to, the current bylaws of DEI, which is similarly situated as an intermediate holding company between DE Holdings and the DE Exchanges. *See* Notices, *supra* note 5, at 75613, 75615 and 75591, 75593.

[17] *See* Notices, *supra* note 5, at 75617 and 75595.

[18] These provisions are generally consistent with ownership and voting limits approved by the Commission for other SROs. *See e.g.,* Securities Exchange Act Release Nos. 70210 (August 15, 2013), 78 FR 51758 (August 21, 2013) (SR–NYSE–2013–42, SR–NYSEMKT–2013–50 and SR–NYSEArca-2013–62) (order approving proposed transaction in which NYSE Euronext will become a wholly owned subsidiary of IntercontinentalExchange Group, Inc.) (''IntercontinentalExchange Group, Inc. Combination Order''); 62716 (August 13, 2010), 75 FR 51295 (August 19, 2010) (File No. 10–198) (order approving registration application of BYX as a national securities exchange) (''BYX Approval Order); 61698 (March 12, 2010), 75 FR 13151 (March 18, 2010) (File Nos. 10–194 and 10–196) (order approving registration application of EDGX Exchange, Inc. and EDGA Exchange, Inc.) (''EDGX and EDGA Approval Order''); 58375 (August 18, 2008), 73 FR 49498 (August 21, 2008) (File No. 10–182) (order approving registration of BATS as a national securities exchange) (''BATS Approval Order''); 55293 (February 14, 2007), 72 FR 8033 (February 22, 2007) (SR–NYSE–2006–120) (order approving proposed combination between NYSE Group, Inc. and Euronext N.V.) (''NYSE-Euronext Merger Order''); 53382 (February 27, 2006), 71 FR 11251 (March 6, 2006) (SR–NYSE–2005–77) (order approving merger of New York Stock Exchange, Inc. and Archipelago, and demutualization of New York Stock Exchange, Inc.) (''NYSE Inc.-Archipelago Merger Order''); 53963 (June 8, 2006), 71 FR 34660 (June 15, 2006) (File No. SR–NSX–2006–03) (''NSX Demutualization Order''); 53128 (January 13, 2006), 71 FR 3550 (File No. 10–131) (order approving registration application of NASDAQ as a national securities exchange) (''NASDAQ Approval Order''); 51149 (February 8, 2005), 70 FR 7531 (February 14, 2005) (SR–CHX–2004–26) (''CHX Demutualization Order''); and 49098 (January 16, 2004), 69 FR 3974 (January 27, 2004) (SR-Phlx-2003–73) (''Phlx Demutualization Order'').

[19] *See* proposed New BGM Charter, Article FIFTH, para. (a)(ii) (defining ''Related Person''). *See* Notices, *supra* note 5, at 75611 and 75589.

[20] *See* proposed New BGM Charter, Article FIFTH, para. (b)(i)(C).

[21] *See id.* at Article FIFTH, para. (a)(i) (defining ''Person'').

[22] *See id.* at Article FIFTH, para. (b)(i)(C).

Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than 20 percent of any class of capital stock of New BGM (the ''New BGM Ownership Restrictions'').[23]

If any stockholder purports to transfer to any person any shares that would violate the New BGM Voting Restrictions or New BGM Ownership Restrictions (''New BGM Voting and Ownership Restrictions''), then New BGM shall record on the books only that number of shares that would not violate that restriction and shall treat the remaining shares as owned by the purported transferor for all purposes.[24] If any stockholder of New BGM purports to vote, or grant any proxy or enter into any agreement, plan or other arrangement relating to the voting of shares that would violate the New BGM Voting and Ownership Restrictions, then New BGM shall not honor such vote, proxy, agreement, plan or other arrangement to the extent that such provisions would be violated, and any shares subject to that arrangement shall not be entitled to vote to the extent of such violation.[25]

The New BGM Charter would provide that the New BGM Voting and Ownership Restrictions would apply only for so long as New BGM directly or indirectly controls a national securities exchange registered under Section 6 of the Act with the Commission.[26]

The New BGM board of directors may waive the New BGM Ownership Restrictions applicable to non-Member stockholders and the New BGM Voting Restrictions, if, in connection with taking such action, the board of directors adopts a resolution stating that the waiver:

- Will not impair the ability of any exchange subsidiary to carry out its functions and responsibilities as an ''exchange'' under the Act and the rules and regulations promulgated thereunder;
- is otherwise in the best interests of New BGM, its stockholders and its exchange subsidiaries; and
- will not impair the Commission's ability to enforce the Act or the rules and regulations promulgated thereunder.[27]

Any such waiver would not be effective until approved by the Commission pursuant to Section 19 of the Act.[28] However, the New BGM board of directors cannot waive the voting and ownership limits above 20 percent for a Member of any of the BATS Exchanges or any of the DE Exchanges and their Related Persons.[29] Further, the New BGM board of directors also cannot waive the voting and ownership limits above the 20% threshold if such person or its Related Persons is subject to any statutory disqualification (as defined in Section 3(a)(39) of the Act).[30]

Members that trade on an exchange traditionally have had ownership interests in such exchange. As the Commission has noted in the past, however, a member's interest in an exchange could become so large as to cast doubt on whether the exchange can fairly and objectively exercise its self-regulatory responsibilities with respect to that member.[31] A member that is a controlling shareholder of an exchange might be tempted to exercise that controlling influence by directing the exchange to refrain from, or the exchange may hesitate to, diligently monitor and surveil the member's conduct or diligently enforce its rules and the federal securities laws with respect to conduct by the member that violates such provisions.[32]

In addition, as proposed, BGM Holdings will be a wholly-owned subsidiary of New BGM and the BGM Holdings Charter identifies this ownership structure.[33] Any changes to the BGM Holdings Charter, including any change in the provision that identifies New BGM as the sole stockholder of BGM Holdings, must be filed with and approved by the Commission pursuant to Section 19 of the Act.[34] Similarly, as proposed, each of the BATS Exchanges will be a wholly-owned subsidiary of BGM Holdings and the Bylaws of the BATS Exchanges identify this ownership structure.[35] Any changes to the BGM Holdings Charter, including any change in the provision that identifies New BGM as the sole stockholder of BGM Holdings, must be filed with and approved by the Commission pursuant to Section 19 of the Act.[36] Similarly, any changes to the BATS Exchange Bylaws, including any change in the provision that identifies BGM Holdings as the sole stockholder of each BATS Exchange, must be filed with and approved by the Commission pursuant to Section 19 of the Act.[37] Further, pursuant to the BATS Exchange Bylaws, BGM Holdings may not transfer or assign, in whole or in part, its ownership interest in each BATS Exchange.[38]

The Commission believes that these provisions are consistent with the Act. These requirements should minimize the potential that a person could improperly interfere with or restrict the ability of the Commission or the Exchange to effectively carry out their regulatory oversight responsibilities under the Act.

2. Jurisdiction; Books and Records; Due Regard

As described above, following the Closing, New BGM will be the sole stockholder of BGM Holdings and BGM Holdings will be the sole stockholder of the BATS Exchanges. Although New BGM and BGM Holdings will not carry out any regulatory functions, their activities with respect to the operation of the BATS Exchanges must be consistent with, and must not interfere with, the self-regulatory obligations of each BATS Exchange. The New BGM Charter, New BGM Bylaws, BGM Holdings Charter and BGM Holdings Bylaws therefore include certain provisions that are designed to maintain

[23] *See id.* at Article FIFTH, paras. (b)(i)(A) and (B). The limitations imposed by the New BGM Ownership Restrictions and New BGM Voting Restrictions shall not apply in the case of any class of stock that does not have the right to vote in the election of members of the board of directors of New BGM or on other matters that may require the approval of the holders of voting shares of New BGM (other than matters affecting the rights, preferences or privileges of said class of stock). *See id.* at Article FIFTH, para. (b)(ii)(A).

[24] *See id.* at Article FIFTH, para. (d).

[25] *Id.* If any stockholder purports to sell, transfer, assign, convert, pledge, or own any shares in violation of the New BGM Voting and Ownership Restrictions, then New BGM shall have the right to, and shall promptly after confirming such violation and to the extent funds are legally available, redeem the shares transferred in violation of the restriction. *See id.* at Article FIFTH, para. (e).

[26] *See id.* at Article FIFTH, para. (b)(i).

[27] *See id.* at Article FIFTH, para. (b)(ii)(B). In making this determination, the BGM board of directors may impose on the Person in question and its Related Persons such conditions and restrictions that it may in its sole discretion deem necessary, appropriate or desirable in furtherance of the objectives of the Act and the governance of the applicable exchange subsidiary. *Id.*

[28] *See id.* at Article FIFTH, para. (b)(ii)(B).

[29] *See id.* at Article FIFTH, paras. (b)(i)(B) and (b)(ii)(B).

[30] *See id.* at Article FIFTH, para.(b)(iii).

[31] *See, e.g.,* IntercontinentalExchange Group, Inc. Combination Order; BYX Approval Order; EDGX and EDGA Approval Order; BATS Approval Order; NYSE—Euronext Merger Order; NYSE Inc.—Archipelago Merger Order; NSX Demutualization Order; NASDAQ Approval Order; CHX Demutualization Order; Phlx Demutualization Order, *supra* note 18.

[32] *See, e.g., id.*

[33] *See* proposed BGM Holdings Charter, Article SEVENTH, para. 4 (''The sole stockholder of the Corporation [BGM Holdings] is BATS Global Markets [New BGM].'').

[34] *See id.* at Article SEVENTH, para. 3; 15 U.S.C. 78s(b).

[35] *See* proposed BATS Exchange Bylaws, Article I(cc).

[36] *See* 15 U.S.C. 78s(b).

[37] *See id.*

[38] *See* proposed BATS Exchange Bylaws, Article IV, Section 7.

the independence of the BATS Exchanges'[39] self-regulatory functions, enable the BATS Exchanges to operate in a manner that complies with the federal securities laws, including the objectives of Sections 6(b)[40] and 19(g)[41] of the Act, and facilitate the ability of the BATS Exchanges and the Commission to fulfill their regulatory and oversight obligations under the Act.[42]

For example, under the New BGM Bylaws and the BGM Holdings Bylaws, for so long as New BGM or BGM Holdings, as the case may be, directly or indirectly, controls either or both of the BATS Exchanges, the board of directors, officers, employees and agents of each of New BGM and BGM Holdings, must give due regard to the preservation of independence of the self-regulatory functions of the BATS Exchanges, as well as to its obligations to investors and the general public and shall not take any actions that would interfere with the effectuation of any decisions by either of the boards of directors of the BATS Exchanges relating to its regulatory functions (including disciplinary matters), or which would interfere with the ability of such exchange to carry out its responsibilities under the Act.[43] The New BGM Bylaws and the BGM Holdings Bylaws would further require that New BGM or BGM Holdings, as the case may be, comply with the U.S. federal securities laws and rules and regulations thereunder and shall cooperate with the Commission and each of the BATS Exchanges, pursuant to and to the extent of their respective regulatory authority.[44] In addition, the New BGM Bylaws and the BGM Holdings Bylaws, provide that the officers, directors, employees and agents of New BGM and BGM Holdings, as the case may be, by virtue of the acceptance of their position, shall be deemed to agree to: (1) comply with the U.S. federal securities laws and the rules and regulations thereunder; and (2) to cooperate with the Commission and the BATS Exchanges in respect of the Commission's oversight responsibilities regarding the BATS Exchanges and the self-regulatory functions and responsibilities of the BATS Exchanges, and New BGM and BGM Holdings will take reasonable steps to cause its officers, directors, employees and agents to so cooperate.[45] Furthermore, New BGM, BGM Holdings and their respective officers, directors, employees and agents will be deemed to irrevocably submit to the jurisdiction of the U.S. federal courts, the Commission, and each BATS Exchange, as applicable, for purposes of any suit, action, or proceeding pursuant to the U.S. federal securities laws or the rules or regulations thereunder arising out of, or relating to, the activities of such exchange.[46]

The New BGM Bylaws and the BGM Holdings Bylaws provide that New BGM, BGM Holdings and their respective officers, directors, employees and agents must submit to the Commission's jurisdiction with respect to activities relating to any of the BATS Exchanges,[47] and, for so long as New BGM controls, directly or indirectly, such BATS Exchange, New BGM agrees to provide the Commission and each BATS Exchange with access to its books and records that are related to the operation or administration of each BATS Exchange.[48] In addition, to the extent they are related to the operation or administration of the BATS Exchanges, the books, records, premises, officers, directors, agents, and employees of New BGM and BGM Holdings shall be deemed to be the books, records, premises, officers, directors, agents, and employees of the respective BATS Exchange for purposes of, and subject to oversight pursuant to, the Act.[49] The New BGM Bylaws and the BGM Holdings Bylaws further provide that all books and records of New BGM and BGM Holdings shall be maintained at a location within the United States.[50]

The New BGM Bylaws and BGM Holdings Bylaws also provide that all books and records of each BATS Exchange reflecting confidential information pertaining to the self-regulatory function of the BATS Exchanges (including but not limited to disciplinary matters, trading data, trading practices and audit information) that shall come into the possession of New BGM or BGM Holdings, as the case may be, shall not be made available other than to those officers, directors, employees and agents of New BGM or BGM Holdings, as the case may be, that have a reasonable need to know the contents thereof, and shall be retained in confidence by New BGM or BGM Holdings, the members of their respective board of directors, its officers, employees and agents, and not used for any non-regulatory purposes.[51] The New BGM Bylaws and BGM Holdings Bylaws, however, specify that the New BGM Bylaws and BGM Holdings Bylaws (including these confidentiality provisions) shall not be interpreted so as to limit or impede the rights of the Commission or the BATS Exchanges to access and examine such confidential information pursuant to the federal securities laws and the rules and regulations thereunder, or to limit or impede the ability of any officers, directors, employees or agents of New BGM or BGM Holdings, as the case may be, to disclose such confidential information to the Commission or the BATS Exchanges.[52]

The New BGM Charter and the BGM Holdings Charter provide that, for so long as New BGM or BGM Holdings, as the case may be, controls, directly or indirectly, a registered national securities exchange, before any amendment to or repeal of any provision of the proposed New BGM Charter or the BGM Holdings Charter, as the case may be, may be effective, those changes must be submitted to the board of directors of each of the BATS Exchanges, and if the amendment is required to be filed with, or filed with and approved by the Commission pursuant to Section 19(b) of the Act,[53] such change shall not be effective until filed with, or filed with and approved by, the Commission.[54] Each BATS Exchange represents that these provisions will assist the Exchange in fulfilling its self-regulatory obligations and in administering and complying with the requirements of the Act.

The Commission finds that these provisions are consistent with the Act,

[39] The provisions in the BGM Holdings Charter and BGM Holdings Bylaws apply to ''Exchange Subsidiaries,'' which is defined as any direct or indirect subsidiary of New BGM that is registered with the Commission as a national securities exchange as provided in Section 6 of the Act. The BATS Exchanges, as well as the DE Exchanges, will be Exchange Subsidiaries upon the Closing of the Combination.

[40] 15 U.S.C. 78f(b).

[41] 15 U.S.C. 78s(g).

[42] *See e.g.,* proposed New BGM Bylaws Article XIV, Section 14.01 and proposed BGM Holdings Bylaws, Article VII, Section 7.1.

[43] *See* proposed New BGM Bylaws, Article XIV, Section 14.01 and proposed BGM Holdings Bylaws, Article VII, Section 7.1.

[44] *See* proposed New BGM Bylaws, Article XIV, Section 14.04 and BGM Holdings Bylaws, Article VII, Section 7.2.

[45] *Id.*

[46] *See* proposed New BGM Bylaws, Article XIV, Section 14.05 and proposed BGM Holdings Bylaws, Article VII, Section 7.3.

[47] *See id.*

[48] *See* proposed New BGM Bylaws, Article XIV, Section 14.03 and proposed BGM Holdings Bylaws, Article V, Section 5.8.

[49] *Id.*

[50] *See* proposed New BGM Bylaws, Article XIV, Section 14.03 and proposed BGM Holdings Bylaws, Article V, Section 5.8(b). *See also* proposed BATS Exchange Bylaws, Article XI, Section 3.

[51] *See* proposed New BGM Bylaws, Article XIV, Section 14.02. *See also* proposed BGM Holdings Bylaws, Article V, Section 5.8(a).

[52] *See id.*

[53] 15 U.S.C. 78s(b).

[54] *See* proposed New BGM Charter, Article TWELFTH and proposed BGM Holdings Charter, Article SEVENTH, para. 3.

and that they are intended to assist each BATS Exchange in fulfilling its self-regulatory obligations and in administering and complying with the requirements of the Act. The Commission also notes that, even in the absence of these provisions, under Section 20(a) of the Act,[55] any person with a controlling interest in any of the BATS Exchanges shall be jointly and severally liable with and to the same extent that each BATS Exchange is liable under any provision of the Act, unless the controlling person acted in good faith and did not directly or indirectly induce the act or acts constituting the violation or cause of action. In addition, Section 20(e) of the Act[56] creates aiding and abetting liability for any person who knowingly provides substantial assistance to another person in violation of any provision of the Act or rule thereunder. Further, Section 21C of the Act[57] authorizes the Commission to enter a cease-and-desist order against any person who has been ''a cause of'' a violation of any provision of the Act through an act or omission that the person knew or should have known would contribute to the violation.

3. Change in Control

Upon the Closing of the Combination, New BGM will become the sole owner of Current BGM (which, as noted above, will be referred to as ''BGM Holdings'' upon the Closing and thereafter). The Current BGM Charter includes certain restrictions on the ability to vote and own shares of stock of Current BGM. Specifically, the Current BGM Charter provides that: (1) no Person,[58] either alone or together with its Related Persons,[59] may own, directly or indirectly, of record or beneficially, shares constituting more than 40 percent of any class of its capital stock, and no Member, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than 20 percent of any class of its capital stock (''Current BGM Ownership Limitation''), and (2) subject to certain exceptions, no Person, either alone or together with its Related Persons, at any time, may, directly, indirectly or pursuant to any of various arrangements, vote or cause the voting of shares or give any consent or proxy with respect to shares representing more than 20 percent of the voting power of its then issued and outstanding capital stock (''Current BGM Voting Limitation'').[60]

The Current BGM Charter also provides that the Current BGM Ownership Limitation and the Current BGM Voting Limitation may be waived (except with respect to Members and their Related Persons) pursuant to a resolution duly adopted by the board of directors of Current BGM if, in connection with taking such action, the board of directors states in such resolution that it is the determination of the board of directors that the waiver: (1) Will not impair the ability of each BATS Exchange to carry out its functions and responsibilities as an ''exchange'' under the Act and the rules and regulations promulgated thereunder; (2) is otherwise in the best interests of Current BGM, its stockholders, and the BATS Exchanges; (3) will not impair the ability of the Commission to enforce the Act and the rules and regulations promulgated thereunder; and (4) shall not be effective until it is filed with and approved by the Commission.[61]

In connection with the Combination, the Current BGM Charter will be amended and restated to: (1) remove the Current BGM Ownership Limitation and the Current BGM Voting Limitation and (2) specify that the sole stockholder of Current BGM (which will be renamed BGM Holdings) will be New BGM. In addition, as noted below, the New BGM Charter, which will become effective contemporaneously with the Closing, will contain ownership and voting limitation provisions that are substantively the same as the Current BGM Ownership Limitation and the Current BGM Voting Limitation.

Because the Current BGM Charter will be amended to eliminate the Current BGM Ownership Limitation and the Current BGM Voting Limitation contemporaneously with the Combination, New BGM's acquisition of ownership and voting rights in BGM Holdings upon Closing would not cause New BGM to contravene the Current BGM Ownership Limitation or the Current BGM Voting Limitation. Therefore, in this instance, although New BGM will possess ownership and voting rights in excess of the Current BGM Ownership Limitation and the Current BGM Voting Limitation, no waiver of these provisions is necessary.

Nevertheless, because the Combination will result in a change of ownership of Current BGM (in that New BGM will become the sole stockholder of Current BGM, which will be renamed BGM Holdings), the BATS Exchanges and the board of directors of Current BGM represented that it was appropriate for the board of directors of Current BGM to adopt the Resolutions, which set forth certain determinations with respect to New BGM and the Combination similar to those that would have been necessary to waive the Current BGM Ownership Limitation and Current BGM Voting Limitation.

Specifically, the board of directors of Current BGM made the following determinations: (1) The acquisition of the proposed ownership by New BGM in Current BGM will not impair the ability of each BATS Exchange to carry out its functions and responsibilities as an ''exchange'' under the Act and the rules and regulations promulgated thereunder, is otherwise in the best interests of Current BGM, its stockholders and the BATS Exchanges, and will not impair the ability of the Commission to enforce the Act and the rules and regulations promulgated thereunder; (2) the acquisition or exercise of the proposed voting rights by New BGM in Current BGM will not impair the ability of each BATS Exchange to carry out its functions and responsibilities as an ''exchange'' under the Act and the rules and regulations promulgated thereunder, that it is otherwise in the best interests of the Current BGM, its stockholders and the BATS Exchanges, and that it will not impair the ability of the Commission to enforce the Act and the rules and regulations promulgated thereunder; (3) neither New BGM, nor any of its Related Persons, is subject to ''statutory disqualification'' within the meaning of Section 3(a)(39) of the Act;[62] and (4) neither New BGM, nor any of its Related Persons (excluding BATS Trading, a Member whose affiliation with the BATS Exchanges has been approved/permitted by the Commission pursuant

[55] 15 U.S.C. 78t(a).

[56] 15 U.S.C. 78t(e).

[57] 15 U.S.C. 78u–3.

[58] *See* Current BGM Charter, Article FIFTH, para. (a)(i) (defining ''Person'').

[59] *See id.* at Article FIFTH, para. (a)(ii) (defining ''Related Persons''). See Notices, *supra* note 5, at 75609 and 75587.

[60] *See* Current BGM Charter, Article FIFTH, para. (b).

[61] *See* Current BGM Charter, Article FIFTH, para. (b)(ii)(B). In granting such a waiver, the Current BGM board of directors has the discretion to impose on the person and its Related Persons, such conditions and restrictions that it deems necessary, appropriate or desirable in furtherance of the objectives of the Act and the rules and regulations promulgated thereunder, and the governance of each BATS Exchange. *Id.*

[62] 15 U.S.C. 78c(a)(39).

to Rule 2.11 and Rule 2.12 of each Exchange),[63] is a Member.[64]

The Commission believes that it is consistent with the Act to allow New BGM to wholly-own and vote all of the outstanding common stock of Current BGM (to be renamed BGM Holdings). The Commission notes that, as the new top-level holding company for the combined businesses, New BGM will have ownership divided among the several firms and individuals that previously held equity interests in each of Current BGM and DE Holdings.[65] According to the BATS Exchanges, of the firms and individuals that are expected to hold equity interests in New BGM after the Closing, none will beneficially own 20 percent or greater of New BGM and only an affiliate of KCG Holdings, Inc. will beneficially own 10 percent or greater.[66] The Commission also notes that, while the Current BGM Ownership Limitation and Current BGM Voting Limitation will no longer be in the Current BGM Charter, the BGM Holdings Charter will specify that BGM Holdings' sole stockholder will be New BGM, and the New BGM Charter will contain substantively identical ownership and voting limitation provisions.[67] Further, as discussed above, New BGM has included in its corporate documents certain provisions designed to maintain the independence of each BATS Exchange's regulatory functions from New BGM and BGM Holdings.[68] Accordingly, the Commission does not believe that the Combination will impair the ability of either BATS Exchange to carry out its functions and responsibilities as an ''exchange'' under the Act and the rules and regulations promulgated thereunder, or the ability of the Commission to enforce the Act and the rules and regulations promulgated thereunder.

4. Board Composition; Committees

a. Board Composition

The board of directors of each BATS Exchange will continue to be the governing body of their respective BATS Exchange and possess all of the powers necessary for the management of the business and affairs of their respective BATS Exchanges and the execution of their respective responsibilities as SROs. In connection with the Combination, each BATS Exchange proposed several changes to their respective BATS Exchange Bylaws.

First, each BATS Exchange proposes to amend Section 2(b) of Article III of their respective BATS Exchange Bylaws to explicitly state that the Chief Executive Officer of the BATS Exchange will be considered an Industry Director.[69] The BATS Exchange Bylaws require that the Board of Directors be composed of one Director who is the Chief Executive Officer of the BATS Exchange, and a sufficient number of Non-Industry Directors (including Independent Directors), Industry Directors and Member Representative Directors such that: (1) the number of Non-Industry Directors, including at least one Independent Director, equals or exceeds the sum of the number of Industry Directors and Member Representative Directors,[70] and (2) the number of Member Representative Directors equals at least 20 percent of the board of directors (the ''Exchange Board Composition Requirements'').[71] The definition of ''Industry Director'' includes a Director that has an employment relationship with the Exchange.[72] Consequently, the Chief Executive Officer of each BATS Exchange will always meet the definition of ''Industry Director.'' Consistent with this definition, and in order to effectuate the Exchange Board Composition Requirements, each BATS Exchange considers the Chief Executive Officer to be an Industry Director.[73] Consistent with this interpretation, each BATS Exchange proposes to amend Section 2(b) of Article III of their respective BATS Exchange Bylaws to explicitly clarify that the Chief Executive Officer shall be considered an Industry Director.

Second, each of the BATS Exchange Bylaws provide that each of the Non-Industry Directors and Industry Directors are divided into one of three classes to serve staggered three-year terms.[74] Unlike other Industry Directors, rather than serving a three-year term, the Chief Executive Officer of each BATS Exchange serves on the board of directors of such BATS Exchange until he or she ceases to be Chief Executive Officer.[75] Each BATS Exchange is therefore proposing to amend Section 3(b) of Article III of their respective BATS Exchange Bylaws to explicitly clarify that the reference to each Industry Director serving a staggered three-year term excludes the Chief Executive Officer.

Finally, each of the BATS Exchanges is proposing to amend Sections 4(a), 4(c), and 4(e) of Article III of the BATS Exchange Bylaws to permit the Director nomination and election process (including the Member Representative Director nomination and election process conducted by the Member Nominating Committee) to be conducted through either an annual or special meeting of the stockholders, rather than exclusively through an annual meeting of the stockholders. According to each of the BATS Exchanges, this change is designed to allow the BATS Exchange additional flexibility to fill vacancies that arise more quickly throughout the year, rather than have to wait until the BATS Exchanges' annual director election process.[76]

The Commission has previously stated its belief that the inclusion of public, non-industry representatives on exchange oversight bodies is critical to an exchange's ability to protect the public interest.[77] Further, public, non-industry representatives help to ensure that no single group of market participants has the ability to systematically disadvantage other market participants through the exchange governance process. The Commission believes that public directors can provide unique, unbiased perspectives, which should enhance the ability of the BATS Exchanges boards of directors to address issues in a non-

[63] As noted below, BATS Trading is a routing broker-dealer and a Member that is affiliated with each BATS Exchange, pursuant to Rules 2.11 and 2.12 of each BATS Exchange, and a direct subsidiary of Current BGM. The same structure will continue to be in place following the Closing and BATS Trading will remain a direct subsidiary of BGM Holdings.

[64] The Resolutions also contain a determination that the execution and delivery of the Merger Agreement by New BGM constituted notice of New BGM's intention to acquire ownership and voting rights in excess of the BGM Ownership Limitation and BGM Voting Limitation, respectively, in writing and not less than 45 days before the Closing. *See* Current BGM Charter, Article FIFTH, para. (b)(iv).

[65] *See* Notices, *supra* note 5, at 75609 and 75587.

[66] *See id.*

[67] *See* proposed BGM Holdings Charter, Article SEVENTH, para. 4; proposed New BGM Charter, Article FIFTH.

[68] *See* proposed New BGM Bylaws, Article XIV and proposed BGM Holdings Bylaws, Article VII.

[69] *See* proposed BATS Exchanges' Bylaws, Article III, Section 2(b).

[70] *See id.* at Article I, paras. (i) and (s) (defining ''Director'' and ''Member Representative Director.'').

[71] *See id.*

[72] *See id.* at Article I, para. (o)(vi).

[73] According to the BATS Exchanges, any other treatment might result in the total number of persons affiliated with the securities industry exceeding the number of Non-Industry Directors—a result that would contravene the Board Composition Requirements. *See* Notices, *supra* note 5, at 75615 and 75593.

[74] *See* proposed BATS Exchange Bylaws, Article III, Section 3(b).

[75] *See id.* at Article III, Section 3(a).

[76] *See* Notices, *supra* note 5, at 75616 and 75594.

[77] *See, e.g.,* Securities Exchange Act Release No. 58375 (August 18, 2008), 73 FR 49498 (August 21, 2008) (File No. 10–182) (citing Regulation of Exchanges and Alternative Trading Systems, Securities Exchange Act Release No. 40760 (December 8, 1998), 63 FR 70844 (December 22, 1998)).

discriminatory fashion and foster the integrity of BATS Exchanges.[78] The Commission believes that the proposed modifications relating to the Board of each of the BATS Exchanges satisfies the requirements in Section 6(b)(3) of the Act,[79] which requires that one or more directors be representative of issuers and investors and not be associated with a member of the exchange, or with a broker or dealer.[80]

b. BATS Exchange Committees

The BATS Exchanges are proposing two changes that relate to the BATS Exchanges committees. The BATS Exchanges are proposing to amend Section 2(a) of Article V of the BATS Exchange Bylaws to clarify that the Chairman, with the approval of the board of directors, not only appoints the members of all board committees, but also appoints the chair of each committee.

Second, the BATS Exchanges are proposing to amend Section 6(c) of Article V of the BATS Exchange Bylaws to delineate the Regulatory Oversight Committee's (''ROC's'') responsibilities. The ROC's responsibilities include the following: (1) Those with regard to each of the BATS Exchanges' facilities, as defined in Section 3(a)(2) of the Act; [81] (2) assessing the BATS Exchanges' regulatory performance; (3) assisting the Board and committees of the Board in reviewing the regulatory plan and the overall effectiveness of the BATS Exchanges' regulatory functions; and (4) in consultation with the Chief Executive Officer of the BATS Exchanges, establishing the goals, assessing the performance, and fixing the compensation of the Chief Regulatory Officer of the BATS Exchanges.

The Commission believes that the proposed changes are designed to make more transparent how the committee chairs are appointed and what responsibilities are assigned to the ROC.

5. Affiliation Between BATS Exchanges and DE Exchanges

Rule 2.3 of each of the BATS Exchanges generally provides that in order to be eligible for membership in BATS or BYX, a registered broker or dealer is required to be a member of at least one other national securities association or national securities exchange. Membership in the BATS Exchanges affiliated national securities exchange (either BATS or BYX as the case may be) is not sufficient for purposes of membership eligibility.[82] As discussed above, as a result of the Combination, the BATS Exchanges will become affiliated with the DE Exchanges. The BATS Exchange continue to believe that it is appropriate to limit membership to registered broker-dealers that are members of at least one national securities association or national securities exchange that is not affiliated with the BATS Exchanges. Therefore, the BATS Exchanges proposed to amend Rule 2.3 to specify that a registered broker-dealer will be eligible for membership only if it is a member of a national securities association or national securities exchange other than BATS, BYX, EDGA, or EDGX.

The Commission notes that the proposed changes to Rule 2.3 of each of the BATS Exchanges extends the membership eligibility criteria in a way that is consistent with the current rule, taking into account the BATS Exchanges new affiliation with the DE Exchanges after the Closing.

6. Affiliation With DE Route

As discussed above, as a result of the Combination, New BGM will, indirectly, wholly own the BATS Exchanges, the DE Exchanges, BATS Trading and DE Route. DE Route is a registered broker-dealer and a member of Financial Industry Regulation Authority. DE Route is also a member of each of the BATS Exchanges and the DE Exchanges.[83]

Rule 2.10 of each BATS Exchange generally provides that, without the prior approval of the Commission, (i) each BATS Exchange or any entity with which each BATS Exchange is affiliated (as defined in Rule 12b–2 under the Act [84]), may not directly or indirectly acquire or maintain an ownership interest in a Member of each BATS Exchange, and (ii) a Member of each BATS Exchange may not be or become an affiliate of the BATS Exchange, or an affiliate of any affiliate of the BATS Exchanges. The BATS Exchanges note that the purpose of Rule 2.10 is to prevent or manage potential conflicts of interest that could arise from the BATS Exchanges or their affiliates having an ownership interest in a Member, particularly with respect to the Exchanges' obligation under Section 19(g) of the Act [85] to enforce its Members' compliance with the Act, the Commission's rules thereunder, and BATS Exchanges' Rules.[86]

DE Route is currently a Member of each BATS Exchange. The BATS Exchanges proposed to become affiliated with DE Route, and that DE Route provide certain routing services to the BATS Exchanges. Specifically, the BATS Exchanges proposed to receive through DE Route orders routed inbound to the BATS Exchanges from each of the DE Exchanges, both of which will also be affiliates of the BATS Exchanges as a result of the Combination. Accordingly, the BATS Exchanges have asked the Commission to approve an exception to Rule 2.10 that will permit the affiliation between each of the BATS Exchange and their Member, DE Route.

Recognizing that the Commission has previously expressed concern regarding the potential for conflicts of interest in instances where a member firm is affiliated with an exchange, particularly where a member is routing orders to such affiliated exchange,[87] each BATS Exchange previously implemented limitations and conditions to the affiliation between each BATS Exchange and BATS Trading, also an affiliated member, to permit each BATS Exchange to accept inbound orders that BATS Trading routes in its capacity as a facility of an affiliated exchange (BYX).[88] Again recognizing the Commission's concerns, the BATS Exchanges have now proposed that DE Route operate as an affiliated inbound

[78] *See* Securities Exchange Act Release Nos. 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006) (File No. 10–131) and 53382 (February 27, 2006), 71 FR 11251 (March 6, 2006) (SR–NYSE–2005–77).

[79] 15 U.S.C. 78f(b)(3).

[80] The Exchange Bylaws will continue to require that the number of Non-Industry Directors on the Exchange Board must equal or exceed the sum of the Industry and Member Representative Directors, and the Exchange Board must include at least one Independent Director. *See* proposed BATS Exchange Bylaws, Article III, Section 2(b)(i).

[81] 15 U.S.C. 78c(a)(2).

[82] *See* Rule 2.3 of each of the BATS Exchanges.

[83] *See* Notices, *supra* note 5, at 75609 and 75586–87.

[84] 17 CFR 240.12b–2.

[85] 15 U.S.C. 78s(g).

[86] *See* Notices, *supra* note 5, at 75617 and 75595.

[87] *See e.g.,* Securities Exchange Act Release No. 53382 (February 27, 2006), 71 FR 11251 (March 6, 2006). *See also* Securities Exchange Act Release No. 57648 (April 11, 2008), (April 17, 2008).

[88] *See* Rule 2.12 of each of the BATS Exchanges. *See also* Securities Exchange Act Release No. 62901, (September 13, 2010), 75 FR 57097 (September 17, 2010). Such limitations and conditions were originally implemented on a pilot basis. The Commission later approved a proposal to make them permanent. *See* Securities Exchange Act Release No. 66808 (April 13, 2012), 77 FR 23294 (April 18, 2012). BYX implemented similar limitations and conditions first on a pilot basis, but which were later approved on a permanent basis. *See* Securities Exchange Act Release Nos. 62716 (August 13, 2010), 75 FR 51295 (August 19, 2010) (File No. 10–198) (approving registration application of BYX and approving conditions and limitations which allowed BYX to receive inbound routes of orders by BATS Trading in its capacity as an order routing facility of BATS on a twelve month pilot) and 66807 (April 13, 2012) 77 FR 23300 (April 18, 2012) (SR–BYX–2012–006) (approving conditions and limitations on a permanent basis).

router subject to substantially similar limitations and conditions.[89]

Specifically, the BATS Exchanges proposed that DE Route, operating as a facility of the DE Exchanges, provide routing services from each of the DE Exchanges to each BATS Exchange, subject to the following conditions and limitations set forth in the proposed Rule 2.12 of each BATS Exchange:[90]

- Each BATS Exchange would enter into (1) a plan pursuant to Rule 17d-2 under the Exchange Act with a non-affiliated SRO to relieve each BATS Exchange of regulatory responsibilities for DE Route with respect to rules that are common rules between each BATS Exchange and the non-affiliated SRO, and (2) a regulatory services contract with a non-affiliated SRO to perform regulatory responsibilities for DE Route for unique rule of each BATS Exchange.
- The regulatory services contract would require the BATS Exchanges to provide the non-affiliated SRO with information, in an easily accessible manner, regarding all exception reports, alerts, complaints, trading errors, cancellations, investigations, and enforcement matters (collectively ''Exceptions'') in which DE Route is identified as a participant that has potentially violated the rules of the BATS Exchanges or Commission rules, and would require that the non-affiliated SRO provide a report, at least quarterly, to the BATS Exchanges quantifying all Exceptions in which DE Route is identified as a participant that has potentially violated the rules of the BATS Exchanges or the Commission.
- Each BATS Exchange, on behalf of the holding company indirectly owning the BATS Exchanges and DE Route, would establish and maintain procedures and internal controls reasonably designed to ensure that DE Route does not develop or implement changes to its system on the basis of non-public information regarding planned changes to each BATS Exchange's systems, obtained as a result of its affiliation with the BATS Exchanges, until such information is available generally to similarly situated users of the BATS Exchanges in connection with the provision of inbound order routing to the BATS Exchanges.
- Each BATS Exchange may furnish to DE Route the same information on the same terms that the BATS Exchanges make available in the normal course of business to any other user.

Although the Commission continues to be concerned about potential unfair competition and conflicts of interest between an exchange's self-regulatory obligations and its commercial interest when the exchange is affiliated with one of its members, for the reasons discussed below, the Commission believes that it is consistent with the Act to permit DE Route to be affiliated with the BATS Exchanges and to provide inbound routing to the BATS Exchanges, subject to the conditions described above.

The BATS Exchanges have proposed four conditions applicable to DE Route's inbound routing activities, which are enumerated above. The Commission believes that these conditions mitigate its concerns about potential conflicts of interest and unfair competitive advantage. In particular, the Commission believes that a non-affiliated SRO oversight of DE Route,[91] combined with the non-affiliated SRO's monitoring of DE Route's compliance with the equity trading rules and quarterly reporting to each BATS Exchange, will help to protect the independence of each BATS Exchange's regulatory responsibilities with respect to DE Route. The Commission also believes that the requirement that each BATS Exchange establish and maintain procedures and internal controls reasonably designed to ensure that DE Route does not develop or implement changes to its system based on non-public information obtained as a result of its affiliation with the BATS Exchanges, until such information is available generally to similarly situated members of the BATS Exchanges, is reasonably designed to ensure that DE Route cannot misuse any information advantage it may have because of its affiliation with the BATS Exchanges.

Further, the Commission notes that the proposed conditions for the operation of DE Route as an affiliated inbound router on behalf of each BATS Exchange are consistent with conditions the Commission has approved for other exchanges.[92] The Commission therefore finds the proposed operation of DE Route as an affiliated inbound router of the BATS Exchanges is consistent with the Act.

## III. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule changes are consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act[93] that the proposed rule changes (SR–BATS–2013–059 and SR–BYX–2013–039) are approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[94]

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2014–01659 Filed 1–28–14; 8:45 am]

BILLING CODE 8011–01–P

[89] *See* Notices, *supra* note 5, at 75616–17 and 75595.

[90] *See* Rule 2.12 of each of the BATS Exchanges; *see also supra* note 5, at 75616–17 and 75595. Additionally, Rule 2.12(b) will require that DE Route operates as an outbound router on behalf of each of the DE Exchanges in accordance with the rules of each DE Exchange.

[91] The oversight will be accomplished through the Rule 17d-2 agreement and the regulatory contract.

[92] *See, e.g.,* Securities Exchange Act Release Nos. 62716 (August 13, 2010), 75 FR 51295 (August 19, 2010) (order approving the exchange registration of BATS Y-Exchange, Inc.); 61698 (March 12, 2010), 75 FR 13151 (March 18, 2010) (order approving the exchange registration of the DE Exchanges); and 65456 (September 30, 2011), 76 FR 62118 (October 6, 2011) (order approving a proposal by NYSE Arca, Inc. (''NYSE Arca'') to make permanent the pilot program that permits NYSE Arca to accept inbound orders routed by its affiliated broker-dealer). They are also consistent with the conditions and limitations on inbound routing to the Exchange by its affiliate BATS Trading. *See supra* note 88 and accompanying text.

[93] 15 U.S.C. 78s(b)(2).

[94] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71371; File No. SR–CBOE–2014–001]**

## Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule To Amend CBOE's Rules To Enhance the Independence and Integrity of the Regulatory Functions of the Exchange

January 23, 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 January 10, 2014, the Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

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**

CBOE proposes to amend its rules to enhance the independence and integrity of the regulatory functions of the Exchange. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission.

**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 certain rules to enhance the independence and integrity of the regulatory functions of the Exchange. Specifically, the Exchange seeks to amend Rule 2.1 (Committees of the Exchange), Rule 4.4 (Gratuities), Rule 17.2 (Complaint and Investigation), Rule 17.3 (Expedited Proceeding), Rule 17.4 (Charges), Rule 17.8 (Offers of Settlement) and Rule 17.50 (Imposition of Fines for Minor Rule Violations).

First, the Exchange proposes to amend Rule 2.1 (Committees of the Exchange). Rule 2.1 currently provides that the Chief Executive Officer (''CEO'') shall appoint the chairman, vice-chairman and members of the Exchange Committees, as well as fill vacancies and remove members of the Exchange Committees. The Exchange proposes to adopt an exception to that rule. Particularly, the Exchange proposes to provide that the Nominating and Governance Committee, with the approval of the Board, shall appoint the chairman, vice-chairman and members of the Business Conduct Committee (''BCC''), as well as fill vacancies in the BCC and that the Board shall have the ability to remove any member of the BCC, at any time, with or without cause. The Nominating and Governance Committee is comprised of at least five (5) Directors and is a standing committee of CBOE's Board of Directors. The BCC is an Exchange Committee charged with handling disciplinary matters that arise from Exchange business. The BCC additionally reviews recommendations by the Exchange's Regulatory staff and authorizes the issuance of formal charges arising out of the matters investigated or examined by the Regulatory Services Division. Given the BCC's responsibilities, the Exchange believes that authority relating to the composition of the BCC should rest with the Nominating and Governance Committee, rather than the CEO. Additionally, the Exchange believes that the power to remove members of the BCC should rest with the Board, rather than the CEO. This transfer of authority enhances the independence of the regulatory functions of the Exchange.

Next, the Exchange seeks to amend Rule 4.4 (Gratuities). Rule 4.4 provides that a Trading Permit Holder (''TPH'') may not give any compensation or gratuity in any one year in excess of $50.00 to any employee of the Exchange or in excess of $100.00 to any employee of any other TPH or of any non-TPH broker, dealer, bank or institution, without the prior consent of the employer and of the Exchange. Additionally, the Exchange's Conflict of Interest Policy (''Policy'') currently prohibits Regulatory Services Division and Office of Enforcement employees from accepting any gift of more than nominal monetary value (e.g., a coffee mug) from any TPH or associated person of a TPH. In unique circumstances, the Policy provides that an exception may be granted by the Division Head or, for the Division Head, by the President. The Exchange is proposing to amend Rule 4.4 to provide that a TPH may not give any compensation or gratuity of any monetary value to any Regulatory Services Division or Office of Enforcement employee.[5] The Exchange does not believe that its Regulatory Services Division or Office of Enforcement employees should be permitted to receive gifts or gratuities of even a nominal value from TPHs or their associated persons, in light of the responsibility of these Exchange employees for regulatory matters involving TPHs and their associated persons.

The Exchange also proposes to amend Rule 17.2 (Complaint and Investigation) to eliminate the authority of the President, other Exchange officials designated by the President, the Board, or the BCC to order an investigation of possible violations within the disciplinary jurisdiction of the Exchange and provide instead that only the Exchange's Regulatory staff, and any successor thereto, in its sole discretion shall determine whether to investigate or examine possible violations within the disciplinary jurisdiction of the Exchange. The Exchange believes providing Regulatory staff sole discretion as to what matters to investigate or examine further supports and provides for the autonomy and independence of the Exchanges' regulatory functions as well as helps to ensure that all decisions regarding resolution of any examination, investigation, or prosecution shall be made without regard to the actual or perceived business interests of the Exchange or any of TPHs. The Exchange notes that the Board, President, and BCC, along with other Exchange employees and Trading Permit Holders, will continue to have the ability to submit oral or written complaints alleging possible violations within the disciplinary jurisdiction of the Exchange. The Exchange additionally notes that the proposed rule change conforms its rules to its current practice. The Exchange also proposes to clarify that Regulatory staff has the sole discretion to determine whether to request that the BCC authorize the issuance of a statement of charges pursuant to Rule 17.4 (Charges), which will add transparency to the rules regarding Regulatory staff's role and responsibilities.

The Exchange also seeks to amend Rule 17.2 to provide that the Regulatory staff shall have the sole discretion to determine whether to request that the BCC authorize the issuance of a statement of charges pursuant to Rule 17.4 In those instances where an investigation results in the Regulatory staff finding that there are reasonable grounds to believe that a violation has been committed and a formal regulatory action (i.e., Statement of Charges) is warranted, Regulatory staff will submit a written report of its investigation to the BCC.[6] Additionally, the Exchange

[5] The Exchange intends to make conforming changes to its Policy upon the effectiveness of this proposed rule change.

[6] Pursuant to CBOE Rule 17.10, the Regulatory Oversight and Compliance Committee will review any decision not to authorize the issuance of statements of charges that were recommended by Regulatory staff, and refer such matters to the Board of Directors for further review, as appropriate. The

proposes to provide in those instances where an investigation results in the Regulatory staff finding that there are reasonable grounds to believe that a violation has been committed, but non-formal regulatory action (i.e., a Letter of Information, a Letter of Caution or a Staff Interview) is warranted in lieu of the issuance of a statement of charges, the Regulatory staff will have the power and authority in its sole discretion to impose such non-formal regulatory action without the submission of a written report of its investigation to the BCC. Further, the Exchange proposes to provide that in the event the Regulatory staff finds in its sole discretion that there are not reasonable grounds to believe that a violation has been committed, the Regulatory staff will close the investigation (i.e., File Without Action) without the submission of a written report of its investigation to the BCC. The Exchange believes that this proposed rule change further supports and provides for the autonomy and independence of the Exchanges' regulatory functions as well as makes explicit in the rules the roles and responsibilities of Regulatory staff. Finally, the Exchange proposes to add Interpretation and Policy .05 to Rule 17.2 to make clear that references to ''Regulatory staff'' in Chapter XVII, mean the Exchange's employees in the Regulatory Services Division.

In addition, the Exchange seeks to make explicit in the Rules the roles and responsibilities of certain Exchange staff. First, the Exchange proposes to replace references to ''Exchange'' with ''Regulatory staff'' in Interpretation and Policies .01, .03, and .04 of Rule 17.2 to make clear that those references are to Regulatory staff, in particular. The Exchange also seeks to make similar clarifications in Rule 17.3 (Expedited Proceeding), Rule 17.4 (Charges), Rule 17.8 (Offers of Settlement), and Rule 17.10 (Review). Particularly, Rule 17.3 governs expedited proceedings, Rule 17.4 governs if and how statement of charges is to be issued, Rule 17.8 governs Offers of Settlement, and Rule 17.10 governs the review by the Board of Directors of decisions related to the disciplinary process. Each of the aforementioned rules sets forth the respective duties and responsibilities of ''staff'' as it relates to either expedited proceedings, statement of charges and offers of settlement. The Exchange believes however, that the term ''staff'' is vague and does not provide clarity as to which staff has certain roles and authorities under these rules, which historically, has been the Regulatory staff. Accordingly, the Exchange wishes to make it explicitly clear that the ''staff'' referred to in these rules is the Exchange's Regulatory staff, which will provide additional clarity and reduce confusion. The Exchange notes this is a clarifying, non-substantive change. The Exchange also proposes to amend Rule 17.10(d) to correct the reference to the Regulatory Oversight and Compliance Committee.

Finally, the Exchange also proposes to amend Rule 17.50 (Imposition of Fines for Minor Rule Violations). Rule 17.50 provides that in lieu of commencing a disciplinary proceeding pursuant to Rule 17.2, the Exchange may, in certain instances, impose a fine on a TPH or associated person of a TPH with respect to certain rule violations. More specifically, subparagraph (c) of Rule 17.50 provides that any person against whom a fine is imposed pursuant to certain subsections of Rule 17.50 (e.g., violation of position and exercise limit rules or Locked or Crossed Market violations) may contest the Exchange's determination by filing a written answer and have the matter become subject to the review of the BCC. Additionally, the filing may request a hearing, if desired, which would be subject to Rule 17.6, which rule governs hearings before the BCC. Rule 17.50(c) also provides that for violations of trading conduct and decorum policies in particular, a person may only contest the determination to the BCC if the fine exceeds $2,500. Pursuant to subparagraph (d) of Rule 17.50, if the fine for violations of trading conduct and decorum policies does not exceed $2,500, the individual may still contest the Exchange's determination, but the matter would become subject to the review of the Appeals Committee, rather than the BCC and, if requested, any hearing would consequently be subject to the hearing procedures set forth in Chapter 19 (Hearings and Review). Similarly, fines imposed for failure to submit trade data on trade date, regardless of the amount, may be contested but will also become subject to the review of the Appeals Committee, instead of the BCC. Moreover, Interpretation and Policy .04 provides that the BCC may consolidate into one hearing the review of (i) a fine imposed for violations of trade conduct and decorum policies that exceeds $2,500 and (i) a fine imposed for violations of trade conduct and decorum policies that does not exceed $2,500, so long as the alleged violations involve the same or related transaction or occurrence and the review is not based on written submissions. The Exchange proposes to eliminate the distinction between the type of violations set forth in Rule 17.50 by eliminating subparagraph (d) of Rule 17.50 in its entirety and provide instead that all violations set forth in paragraph (g) of Rule 17.50 may be contested to the BCC and, if requested, subject to the hearing procedures of Rule 17.6. Given the BCC's role and responsibilities noted above, the Exchange believes that the BCC is the appropriate committee to review and/or hear contests to fines imposed due to non-compliance with certain Exchange rules. Particularly, the Exchange believes the BCC should review and/or hear all contests to fines imposed pursuant to section (g) of Rule 17.50 in its entirety, including violations for trade conduct and decorum policies and failure to submit trade data on trade date. The proposed change also provides consistency and certainty as to how all contests to fines imposed pursuant to section (g) are handled.

Lastly, the Exchange proposes to delete language in subparagraph (c)(3) of Rule 17.50. More specifically, Rule 17.50(c)(3) currently provides that among others, any member of the Board may require a review by the Board of any determination made by the BCC under this rule. The Exchange proposes to eliminate the language ''any member of'' to provide that an individual Board member cannot alone require a review, but rather the request for a review must be a Board action. The Exchange believes that it is appropriate for the Board to determine whether to request review of a determination of the BCC under Rule 17.50, as opposed to an individual Board member, and notes that such change is consistent with Rule 17.10 relating to the Board's authority to review decisions by the BCC made pursuant to Rules 17.7 and 17.9.

2. Statutory Basis

The Exchange believes the proposed rule changes are consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged

Board of Directors may order review of such decisions, and may affirm, reverse or modify, in whole or in part, the decision of the BCC not to authorize the issuance of statement of charges.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange also believes the proposed rule changes are consistent with the Section 6(b)(7) [9] requirements that the rules of an exchange provide a fair procedure for the disciplining of members and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange or a member thereof.

In particular, the Exchange believes that the elimination of: (i) the CEO's authority relating to the composition of the BCC and (ii) the President, (or Exchange Official designated by the President), the Board, and BCC's authority to order the investigation of a possible violation within the disciplinary jurisdiction of the Exchange aligns the CBOE Rules with the Exchange's current practices and provides for further separation of those responsible for the business activities of the Exchange from the decision-making structure over the regulatory process. This separation enhances the Exchange's disciplinary and regulatory process by furthering the independence of its regulatory process and reducing a potential conflict of interest, as well as an appearance of inappropriate influence, thereby ensuring an effective and fair disciplinary process and promoting just and equitable principles of trade and protecting investors and the public interest investors and public interest.

Additionally, the Exchange believes the proposed rule change to Rule 4.4 further enhances the independence of the Regulatory Services Division and Office of Enforcement and eliminates a potential conflict of interest, as well as an appearance of influence, thereby promoting an effective and fair disciplinary process and enhancing the protection of investors and the public interest.

The Exchange also believes that clarifying the CBOE Rules to explicitly state that Regulatory staff has sole discretion as to what matters to investigate or examine further supports and provides for the autonomy and independence of the Exchanges' regulatory functions as well as helps to ensure that all decisions regarding resolution of any examination, investigation, or prosecution shall be made without regard to the actual or perceived business interests of the Exchange or any of TPHs, thereby enhancing the protection of investors and the public interest. Additionally, the Exchange believes that providing Regulatory staff sole discretion to (i) impose non-formal regulatory action without the submission of a written report of its investigation to the BCC in those instances where an investigation results in the Regulatory staff finding that there are reasonable grounds to believe that a violation has been committed or (ii) close an investigation without submission of a written report of its investigation to the BCC where Regulatory staff finds that there are not reasonable grounds to believe that a violation has been committed, further supports and provides for the autonomy and independence of the Exchanges' regulatory functions as well as makes explicit in the rules the roles and responsibilities of Regulatory staff.

The Exchange also believes that replacing vague references to ''Exchange'' and ''Staff'' with ''Regulatory staff,'' in Chapter 17 makes it explicitly clear which staff has certain roles and responsibilities delegated under these rules, thereby eliminating potential confusion. Finally, the Exchange believes that given the BCC's charged role and responsibilities, the BCC is the appropriate committee to review and/or hear contests to fines imposed pursuant to section (g) of Rule 17.50 in its entirety, including violations for trade conduct and decorum policies and failure to submit trade data on trade date. The Exchange believes this proposed rule change also provides consistency as to how contests to fines imposed pursuant to section (g) of Rule 17.50 are handled.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition because it applies to all TPHs. The Exchange does not believe the proposed rule changes will impose any burden on intermarket competition as it will merely enhance the independence of its regulatory decision-making and eliminate gratuities from TPHs to employees of the Regulatory Services Division or Office of Enforcement that might appear to undermine that independence.

*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)(iii) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11] Because the foregoing proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) 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 [12] and Rule 19b–4(f)(6) [13] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

[9] 15 U.S.C. 78f(b)(7).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6)

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and 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.

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2014–001 on the subject line.

*Paper Comments*

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–001 and should be submitted on or before February 19, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2014–01655 Filed 1–28–14; 8:45 am]

**BILLING CODE 8011–01–P**

[14] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71374; File No. SR–BOX–2014–05]**

## Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the BOX Rules To Remove the BOX-Top Order

January 23, 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 January 14, 2014, BOX Options Exchange LLC (''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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the BOX Rules to remove the BOX-Top Order. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

### 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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 purpose of this proposed rule change is to amend the BOX rules to remove the BOX-Top Order. A BOX-Top Order is currently defined as an order entered into the BOX Book which is executed at the best price available in the market for the total quantity available from any contra bid (offer).[3] Any residual volume left after part of a BOX-Top Order has been executed is automatically converted to a limit order at the price at which the original BOX-Top Order was executed, except when a BOX-Top Order executes against a Legging Order at a penny increment in a series traded in a larger increment. In this instance, the remaining BOX–TOP Order quantity will be priced, ranked and displayed on the BOX Book at the nearest increment tick permitted for the series (rounded up (down) in the case of a sell (buy) order).

BOX-Top Orders were originally introduced at the launch of the Exchange in 2004 to fulfill a market need.[4] Specifically, the Exchange created BOX-Top Orders because the Exchange did not offer Market Orders when it launched.[5] However, shortly after the Exchange launched, Participants expressed their preference for Market Orders instead of BOX-Top Orders. Due to these requests the Exchange decided to offer Market Orders as well.[6] Once the Exchange began offering Market Orders the popularity of BOX-Top Orders drastically decreased due to the preference by Participants for Market Orders; as a result, the BOX-Top Order is rarely used by Participants today. The Exchange has spoken with Participants who currently use BOX-Top Orders and has verified that removing this order type will have no impact on their ability to trade on the Exchange. Consequently, the Exchange believes that the continued presence of the BOX-Top Order as an order type offered by the Exchange no longer serves a business purpose and could lead to investor confusion.

The Exchange notes that while very similar, BOX-Top Orders are not identical to Market Orders. After execution, the residual volume of a BOX-Top Order is automatically converted to a limit order at the price at which the BOX-Top Order was executed.[7] With a Market Order the residual volume is executed at the next best price available for the total quantity

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* BOX Rule 7110(c)(2).

[4] *See* Securities Exchange Act Release No. 49068 (January 13, 2004), 69 FR 2775 (January 20, 2004) (Order Approving SR–BSE–2002–15).

[5] *Id.*

[6] *See* Securities Exchange Act Release No. 51821 (June 10, 2005), 70 FR 35143 (June 16, 2005) (Order Approving SR–BSE–2004–51).

[7] Except when the BOX-Top Order executes a Legging Order at a penny increment in a series trader [sic] in a larger increment.

available under [sic] the Market Order is fully executed. The Exchange believes the lack of demand for the BOX-Top Order demonstrates that this capability is not important to Participants. Further, the filtering process at each price level ensures that the Market Order will not trade through the NBBO.

Accordingly, the Exchange proposes to remove all references to BOX-Top Orders in the Exchange rules. First, the Exchange proposes to amend Rule 7130(b) (Filtering of BOX In-Bound Orders) to remove references to [sic] BOX-Top Order. All inbound orders to BOX (with the exception of Improvement Orders and Primary Improvement Orders submitted during a PIP, Directed Orders, and Intermarket Sweep Orders) are filtered by the Trading Host prior to entry on the BOX Book to ensure that these orders will not, in the case of a sell (buy) order, execute at a price below (above) the NBBO price.[8]

Once BOX-Top Orders are removed the Exchange will continue to filter all inbound orders (with the exception of Improvement Orders and Primary Improvement Orders submitted during a PIP, Directed Orders, and Intermarket Sweep Orders) to ensure that these orders will not, in the case of a sell (buy) order, execute at a price below (above) the NBBO price.[9] Further, since these inbound orders to BOX will continue to be filtered, Participants will remain protected when entering orders. Therefore, the Exchange believes that the removal of the BOX-Top Order as an order type will not have any impact on Participants or the Exchange's systems.

Second, the Exchange proposes to amend Rule 7150 (Price Improvement Period) to remove references to the BOX-Top Order. Currently, Options Participants, both OFPs and Market Makers, executing agency orders may designate BOX-Top Orders for price improvement and submission to the PIP.[10] Under the current PIP rules the submission of a BOX-Top Order or Market Order on the same side as a PIP Order will prematurely terminate the PIP when, at the time of the submission of the BOX-Top Order or Market Order, the best Improvement Order is equal to or better than the NBBO on the same side of the market as the Best Improvement Order.[11]

Once references to BOX-Top Orders are removed from the Exchange's rules Participants will be able to access the PIP by submitting Market Orders and marketable limit Customer Orders.[12] Further, the submission of a Market Order on the same side as a PIP Order will continue to prematurely terminate the PIP when, at the time of the submission of the Market Order, the best Improvement Order is equal to or better than the NBBO on the same side of the market as the Best Improvement Order. Therefore, the Exchange believes that the removal of the BOX-Top Order from the PIP will not have any impact on Participants or the Exchange's systems.

Third, the Exchange proposes to amend Rule 7240 (Complex Orders) to remove references to the BOX-Top Order. Currently, Options Participants may enter Complex Orders as BOX-Top Orders.[13] BOX-Top Complex Orders are executed at the best price available on the market for the total quantity available from any contra bid (offer). Any residual volume left after part of a BOX-Top Complex Order has been executed is automatically converted to a limit order on the Complex Order Book at the net Strategy price at which the original BOX-Top Complex Order was executed.[14] All inbound Complex Orders to BOX, including BOX-Top Complex Orders, are filtered to ensure that each leg of the Complex Order will be executed at a price that is equal to or better than the NBBO and the BOX BBO for each of the component series.[15] If an inbound BOX-Top Complex Order or Market Complex Order is not executable on BOX but is executable against cNBBO, the BOX-Top Complex Orders or Market Complex Orders will be exposed on the Complex Order Book at cNBB (in the case of a sell order) or cNBO (in the case of a buy order) for a period of up to one second.[16] Any executable, opposite side orders received during the exposure period, including interest on the BOX Book, will immediately execute against the exposed Complex Order.[17] Any unexecuted quantity remaining at the end of the exposure period will be cancelled.[18]

Once BOX-Top Orders are removed from the Exchange's rules, inbound Market Complex Orders that are not executable on BOX but are executable against cNBBO will continue to be exposed on the Complex Order Book at cNBB (in the case of a sell order) or cNBO (in the case of a buy order).[19] Further, since all inbound Complex Orders are filtered to ensure that each leg of a Complex Order is executed at a price that is equal to or better than the NBBO and the BOX BBO for each of the component series, Participants will remain protected when entering Complex Orders. Therefore, the Exchange believes that the removal of BOX-Top Orders as a type of Complex Orders will not have any impact on Participants or the Exchange's systems.

Fourth, the Exchange proposes to amend Rule 7245 (Complex Order Price Improvement Period (''COPIP'')) to remove references to BOX-Top Orders. Consistent with the PIP, Options Participants, both OFPs and Market Makers, executing agency orders may designate Complex Orders that are BOX-Top Orders for price improvement and submission to the COPIP.[20] The submission to BOX of a BOX-Top Complex Order or Market Complex Order on the same side as a COPIP Order will prematurely terminate the COPIP when, at the time of the submission of such orders, the best Complex Order or BOX Book Interest is equal to or better than the cNBBO on the opposite side of the COPIP Order.[21] Once BOX-Top Orders are removed from the Exchange's rules, Participants will continue to be able to access the COPIP by submitting Market Orders and marketable limit orders.[22] Further, the submission of a Market Order on the same side as a COPIP Order will continue to prematurely terminate the COPIP when, at the time of the submission of the Market Order, the best Complex Order or BOX Book Interest is equal to or better than the cNBBO on the same side of the COPIP Order. Additionally, the Exchange is proposing to make a number of non-controversial changes and technical corrections to its rules. Such corrections include: removing references to BOX Top Orders in Rule 7070 (Opening the Market) and Interpretive Material to Rule 7080 (IM–7080–1 Trading Conditions During Limit State or Straddle State); removing references to BOX Top Orders in and renumbering Rule 7110 (Order Entry); and updating rule references in and renumbering Rule 7130 (Execution and Price/Time Priority); and updating a rule reference in Rule 8040 (Obligations of Market Makers).

The Exchange believes that the removal of BOX-Top Orders from the COPIP will not have any impact on Participants or the Exchange's systems. The Exchange is removing this order

[8] *See* Rule 7130(b).

[9] *Id.*

[10] *See* Rule 7150(f).

[11] *See* Rule 7150(i).

[12] *See* Rule 7150(f).

[13] *See* Rule 7240(b)(4).

[14] *Id.*

[15] *See* Rule 7240(b)(3)(iii).

[16] *See* Rule 7240(b)(3)(iii)(B). The exposure period is currently set at 100 milliseconds.

[17] *Id.*

[18] *See* Rule 7240(b)(3)(iii)(C).

[19] *See* Rule 7240(b)(3)(iii)(B).

[20] *See* Rule 7245(f).

[21] *See* Rule 7245(h).

[22] *See* Rule 7245(f).

type because it has become obsolete and is rarely used by Options Participants. The Exchange is proposing to remove any references to the BOX-Top Order from the BOX Rules and decommission this order type. After the notice of effectiveness of the proposed rule change, and at least one week prior to the operative date, the Exchange will issue an informational circular to inform BOX Participants of the operative date for the removal of the BOX-Top Order. BOX believes this will give Participants the opportunity to make any necessary changes to order entry methodology to coincide with the implementation date.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Section 6(b)(5) of the Act,[24] in particular, by eliminating an outdated and obsolete order type from the Exchange's rules. Specifically, the Exchange believes that deleting all references to the BOX-Top Order will promote just and equitable principles of trade and protect investors and the public interest, because it will help insure that investors are not confused by the functionality of different order types available for trading on the Exchange. As stated above, the BOX-Top Order is an order type only available on the Exchange, and is rarely used by Participants. Instead of using the BOX-Top Order to trade on BOX, Participants prefer to use the Market Order, an order type that is also traded on other options exchanges and is very similar to the BOX-Top Order. The Exchange believes that the continued presence of BOX-Top Orders is confusing to some Participants, particularly new Participants, who question the functionality of this order type. Further, the Exchange believes that the proposal removes impediments to and perfects the mechanism of a free and open market by simplifying the Exchanges rules, ensuring that Participants, regulators and the public can more easily navigate the Exchange's rulebook and better understand the order types available for trading on the Exchange.

As such, BOX believes the proposed rule change is in the public interest, and therefore, consistent with the Act.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The proposed rule change would allow the Exchange to remove an obsolete order type that has been replaced by a more efficient and functional order type. As such, 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.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [25] and Rule 19b–4(f)(6) thereunder.[26] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [27] and Rule 19b–4(f)(6) thereunder.[28]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2014–05 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2014–05. 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–BOX–2014–05 and should be submitted on or before February 19, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2014–01658 Filed 1–28–14; 8:45 am]

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[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f)(6).

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and 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.

[29] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71378; File No. SR–NYSEArca–2013–137]**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To List and Trade Shares of the Merk Gold Trust Pursuant to NYSE Arca Equities Rule 8.201

January 23, 2014.

### I. Introduction

On November 27, 2013, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of Merk Gold Trust (''Trust'') pursuant to NYSE Arca Equities Rule 8.201. On December 11, 2013, the Exchange filed Amendment No. 1 to the proposed rule change.[3] The proposed rule change, as modified by Amendment No. 1 thereto, was published for comment in the **Federal Register** on December 17, 2013.[4] The Commission received no comment letters regarding the proposal. This order approves the proposed rule change, as modified by Amendment No. 1 thereto.

### II. Description of the Proposal

The Exchange proposes to list and trade the Shares under NYSE Arca Equities Rule 8.201, which governs the listing and trading of Commodity-Based Trust Shares.[5] Each Share will represent a fractional undivided beneficial interest in the Trust's net assets.[6] The Exchange represents that the Shares satisfy the requirements of NYSE Arca Equities Rule 8.201 and thereby qualify for listing on the Exchange.[7] The Exchange deems the Shares to be equity securities and therefore subject to the Exchange's rules governing the trading of equity securities.[8]

The sponsor of the Trust is Merk Investments LLC (''Sponsor'').[9] The trustee for the Trust is The Bank of New York Mellon (''Trustee'').[10] The custodian is JPMorgan Chase Bank, N.A. (the ''Custodian'').[11]

The Exchange states that the objective of the Trust is to provide investors with an opportunity to invest in gold and be able to take delivery of physical gold in exchange for their Shares; the Trust's secondary objective is for the Shares to reflect the performance of the price of gold less the expenses of the Trust's operations.[12] According to the Exchange, the Trust is not actively managed and does not engage in any activities designed to obtain a profit from, or to compensate investors for losses caused by, changes in the price of gold.

Shareholders may redeem their Shares by submitting to the Sponsor a delivery application and payment for the applicable: (1) Processing fees; and (2) delivery fees to cover the cost of preparing and transporting physical gold to the shareholder.[13] The number of shares to be redeemed must: (1) Correspond to at least one Fine Ounce [14] of physical gold; and (2) have a minimum dollar value in an amount that is specified by the Sponsor from time to time on the Trust's Web site.[15] If the Sponsor approves the delivery application,[16] the shareholder would submit his/her Shares to the Trustee and receive physical gold and, if applicable, cash in return.[17]

Additional information regarding the Trust, including NAV calculation, operation of the Trust, restrictions, risks, expenses, and creation and redemption of Shares can be found in the Notice and/or Registration Statement.

### III. Discussion and Commission's Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[18] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[19] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange states it is able, pursuant NYSE Arca Equities Rule 8.201(g), to obtain information regarding trading in the Shares and the underlying gold, gold futures contracts, options on gold futures, or any other gold derivative through Equity Trading Permit Holders (''ETP Holders'') acting as registered Market Makers, in connection with their proprietary or customer trades. More generally, the Exchange states that it has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. With respect to a subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts, the Exchange states that it could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member. The Exchange also states that it may obtain trading information via the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange clarified certain statements in the filing with respect to: (1) The Custodian's (as defined below) information barriers between itself and its broker-dealer affiliate; (2) the use of unallocated gold accounts by other gold trusts; and (3) the Trustee's role in valuing the Trust's physical gold holdings.

[4] *See* Securities Exchange Act Release No. 71038 (December 11, 2013), 78 FR 76367 (December 17, 2013) (''Notice'').

[5] Commodity-Based Trust Shares are securities issued by a trust that represent investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the trust.

[6] *See* Notice, *supra* note 4, at 76368.

[7] *See* Notice, *supra* note 4, at 76368.

[8] *See* Notice, *supra* note 4, at 76373.

[9] The Sponsor is a Delaware limited liability company. The Sponsor generally oversees the performance of the Trustee and the Trust's principal service providers, but does not exercise day-to-day oversight of the Trustee or such service providers. *See* Notice, *supra* note 4, at 76367. Additional details regarding the Trust are set forth in the Registration Statement for the Trust on Form S–1, filed with the Commission on April 8, 2013 (No. 333–180868) (as amended, the ''Registration Statement'').

[10] The Trustee will be responsible for the day-to-day administration of the Trust and is responsible, among other things, for valuing the Trust's holdings and calculating net asset value (''NAV'') per Share of the Trust. *See* Notice, *supra* note 4, at 76367.

[11] The Custodian is affiliated with a broker-dealer. The Custodian has represented that it has policies and procedures in place to enable it to comply with its regulatory obligations in relation to appropriate information barriers and controls to safeguard client confidentiality, including, but not limited to, information barriers and controls between itself and its broker-dealer affiliate so that its broker-dealer affiliate will not have access to information concerning the composition of and/or changes to the Trust's holdings that are not available on the Trust's Web site. *See* Notice, *supra* note 4, at 76367–68.

[12] *See* Notice, *supra* note 4, 78 FR at 76368. The Trust is neither an investment company registered under the Investment Company Act of 1940 nor a commodity pool for purposes of the Commodity Exchange Act. *See* Notice, *supra* note 4, at 76368.

[13] *See* Notice, *supra* note 4, at 76370.

[14] Fine Ounce is defined in the Registration Statement as an ounce of 100% pure gold.

[15] *See* Notice, *supra* note 4, at 76371.

[16] *See* Notice, *supra* note 4, at 76370–71 (explaining the process the Sponsor will follow to review and approve delivery applications).

[17] *See* Notice, *supra* note 4, at 76371.

[18] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78f(b)(5).

Intermarket Surveillance Group (''ISG'') from other exchanges that are members of the ISG, including the COMEX.[20] Commentary .04 of NYSE Arca Equities Rule 6.3 requires an ETP Holder acting as a registered Market Maker in the Shares, and its affiliates, to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures, and any related derivative instruments (including the Shares).[21] NYSE Arca Equities Rule 8.201(g) and Commentary .04 of NYSE Arca Equities Rule 6.3 may help to prevent fraudulent and manipulative acts and practices by facilitating the Exchange's surveillance of trading in the Shares.

The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,[22] which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Last sale, quotation information, trading volume, closing prices and NAV for the Shares from the previous day will be available via the Consolidated Tape.[23] The Trust's Web site will include, on a per Share basis, for the Trust: (1) The midpoint of the bid-ask price at the close of trading in relation to NAV as of the time the NAV is calculated (''Bid/Ask Price''), and a calculation of the premium or discount of such price against such NAV; (2) data displaying the frequency of distribution of discounts and premiums of the Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters; and (3) the Trust's prospectus, as well as the two most recent reports to stockholders.[24] The Trust's Web site also will provide the last sale price of the Shares as traded in the U.S. market.[25]

The Commission believes that the proposal to list and trade the Shares is reasonably designed to promote disclosure of information that may be necessary to price Shares appropriately and to help prevent trading when a reasonable degree of transparency cannot be assured. The Trust's Web site will provide daily a breakdown of the holdings of the Trust by the form in which gold is held.[26] The value of the Trust's holdings also will be reported on the Trust's Web site daily.[27] Prior to the commencement of trading in the Shares on the Exchange, the Exchange will obtain a representation from the Sponsor that the NAV will be calculated daily and will be made available to all market participants at the same time.[28] Moreover, there is a considerable amount of gold price and gold market information available on public Web sites and through professional and subscription services.[29] For example, Reuters and Bloomberg provide at no charge on their Web sites delayed information regarding the spot price of gold and last sale prices of gold futures, as well as information about news and developments in the gold market.[30] Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on gold prices directly from market participants.[31]

The Exchange will consider suspending trading in the Shares pursuant to NYSE Arca Rule 8.201(e)(2) if, after the initial 12-month period following commencement of trading: (1) The value of gold is no longer calculated or available on at least a 15-second delayed basis from a source unaffiliated with the Sponsor, Trust, Custodian, or the Exchange, or the Exchange stops providing a hyperlink on its Web site to the value of gold; or (2) if the intraday trust value (''IIV'') is no longer made available on at least a 15-second delayed basis.[32] If the IIV is not being disseminated as required, the Exchange may halt trading during the day in which the disruption occurs; if the interruption persists past the day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.[33] The Exchange will halt trading in the Shares if the NAV of the Trust is not calculated or disseminated daily.[34]

In support of its proposal, the Exchange has made representations, including:

(1) The Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.201.[35]

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.[36]

(3) The Exchange's existing surveillance procedures applicable to derivative products (including Commodity-Based Trust Shares) are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.[37]

(4) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares; (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (4) the possibility that trading spreads and the resulting premium or discount on the Shares may widen as a result of reduced liquidity of gold trading during the Core and Late Trading Sessions after the close of the major world gold markets; and (5) trading information.[38]

(5) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.[39]

This approval order is based on all of the Exchange's representations and

[20] *See* Notice, *supra* note 4, at 76374.

[21] *See* Notice, *supra* note 4, at 76373–74.

[22] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[23] *See* Notice, *supra* note 4, at 76373, 76374.

[24] *See* Notice, *supra* note 4, at 76372.

[25] *See* Notice, *supra* note 4, at 76372.

[26] *See* Notice, *supra* note 4, at 76372.

[27] *See* Notice, *supra* note 4, at 76372.

[28] *See* Notice, *supra* note 4, at 76372. Under NYSE Arca Equities Rule 7.34(a)(5), if the Exchange becomes aware that the NAV is not being disseminated to all market participants at the same time, it must halt trading on the NYSE Marketplace until such time as the NAV is available to all market participants.

[29] *See* Notice, *supra* note 4, at 76373.

[30] *See* Notice, *supra* note 4, at 76373.

[31] *See* Notice, *supra* note 4, at 76373.

[32] *See* NYSE Arca Equities Rules 8.201(e)(2)(iv) and (v). More generally, NYSE Arca may halt trading in the Shares on the Exchange because of market conditions or for reasons that, in the Exchange's view, make trading in the Shares inadvisable, including: (1) The extent to which conditions in the underlying gold market have caused disruptions and/or lack of trading; and (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. *See* Notice, *supra* note 4, at 76373. Additionally, trading in the Shares will be subject to trading halts caused by extraordinary market volatility pursuant to NYSE Arca's ''circuit breaker'' rule. *See* Notice, *supra* note 4, at 76373; NYSE Arca Equities Rule 7.12.

[33] *See* Notice, *supra* note 4, at 76373.

[34] *See* Notice, *supra* note 4, at 76373.

[35] *See* Notice, *supra* note 4, at 76374.

[36] *See* Notice, *supra* note 4, at 76373.

[37] *See* Notice, *supra* note 4, at 76373.

[38] *See* Notice, *supra* note 4, at 76374.

[39] *See* Notice, *supra* note 4, at 76373.

description of the Trust, including those set forth above and in the Notice, as modified by Amendment No. 1.

For the foregoing reasons, the Commission believes the proposal to list and trade the Shares is consistent with the Exchange Act.

## IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[40] that the proposed rule change (SR–NYSEArca–2013–137), as modified by Amendment No. 1, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[41]

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2014–01662 Filed 1–28–14; 8:45 am]

**BILLING CODE 8011–01–P**

[40] 15 U.S.C. 78s(b)(2).

[41] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71373; File No. SR–FINRA–2013–051]**

## Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Amend the Uniform Branch Office Registration Form (Form BR)

January 23, 2014.

On November 25, 2013, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Uniform Branch Office Registration Form (Form BD). The proposed rule change was published for comment in the **Federal Register** on December 13, 2013.[3] The Commission received three comment letters on this proposal.[4]

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is January 27, 2014. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change, so that it has sufficient time to consider this proposed rule change and the Comment Letters that have been submitted in connection with this proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates March 13, 2014, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–FINRA–2013–051).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2014–01657 Filed 1–28–14; 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. 71027 (December 13, 2013), 78 FR 75954.

[4] *See* letters to Elizabeth M. Murphy, Secretary, Commission, from Jason Doss, President, Public Investors Arbitration Bar Association, January 2, 2014; David T. Ballaire, Esq., Executive Vice President and General Counsel, Financial Services Institute, January 3, 2104; and Clifford Kirsch and Eric A. Arnold, Sutherland, Asbill and Brennan LLP, on behalf of the Committee of Annuity Insurers, January 3, 2014 (collectively, the ''Comment Letters'').

[5] 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(31).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71377; File No. SR–NYSEArca-2013–132]**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change, as Modified by Amendment Nos. 2 and 3 Thereto, To List and Trade Shares of Merk Hard Currency ETF Under NYSE Arca Equities Rule 8.600

January 23, 2014.

## I. Introduction

On November 22, 2013, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the Merk Hard Currency ETF (''Fund'') of the Forum ETF Trust (''Trust''). The proposed rule change was published for comment in the **Federal Register** on December 11, 2013.[3] On December 19, 2013, the Exchange (1) submitted but subsequently withdrew Amendment No. 1 to the proposed rule change, and (2) submitted Amendment No. 2 to the proposed rule change. On January 10, 2014, the Exchange submitted Amendment No. 3 to the proposed rule change.[4] The Commission received no comments on the proposal. This order grants approval of the proposed rule change, as modified by Amendment Nos. 2 and 3 thereto.

## II. Description of the Proposed Rule Change

The Exchange proposes to list and trade Shares of the Fund under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares. The Shares will be offered by the Trust,[5] a Delaware statutory trust that is registered with the Commission as an open-end management investment company. Forum Investment Advisors, LLC (''Investment Manager'') is the investment manager of the Fund. Merk Investments, LLC (''Investment Adviser'') is the investment adviser of the Fund.[6] Foreside Fund Services LLC

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70994 (Dec. 5, 2013), 78 FR 75423 (''Notice'').

[4] In Amendment No. 2, the Exchange provided further information regarding where pricing information for certain Fund assets can be found and corrected certain cross references. In Amendment No. 3, the Exchange clarified: (1) that the Fund will not invest in any non-U.S. equity securities and that the Fund will not invest in American Depositary Receipts, European Depositary Receipts, Global Depositary Receipts (collectively referred to as ''depositary receipts''), New York Registered Shares, or American Depositary Shares and removed all references thereto; and (2) where pricing information for spot currency transactions can be found. Because Amendment Nos. 2 and 3 do not materially affect the substance of the proposed rule change or raise novel or unique issues, Amendment Nos. 2 and 3 did not require notice and comment.

[5] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). On April 12, 2013, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (''Securities Act'') and under the 1940 Act relating to the Fund (File Nos. 333–180250 and 811–22679) (''Registration Statement''). In addition, the Exchange states that the Trust has obtained certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 30549 (June 4, 2013) (File No. 812–13915–01) (''Exemptive Order'').

[6] The Investment Adviser will be responsible for the day-to-day portfolio management of the Fund and, as such, will make all investment decisions for the Fund and is responsible for implementing the

is the Fund's principal underwriter and distributer of the Fund's Shares. Atlantic Fund Administration, LLC, an affiliate of the Investment Manager, serves as the administrator for the Fund. The Bank of New York Mellon Corporation serves as custodian and transfer agent for the Fund. The Exchange represents that neither the Investment Manager nor the Investment Adviser is a broker-dealer or is affiliated with a broker-dealer.[7]

The Exchange has made the following representations and statements in describing the Fund and its investment strategies, including other permitted portfolio holdings and investment restrictions.[8]

*Description of the Fund*

The Fund's investment objective is to seek to profit from a rise in hard currencies relative to the U.S. dollar. The Fund will be actively managed and does not seek to replicate the performance of a specified index. Under normal market conditions,[9] the Fund will invest at least 80% of the value of its net assets (plus borrowings for investment purposes) in a basket of hard currency-denominated investments composed of high-quality, short-term [10] debt instruments, physical gold, and gold-related securities.[11]

The term ''hard currencies'' is used to describe currencies of countries pursuing what the Investment Adviser believes to be ''sound'' monetary policy and gold.[12] Sound monetary policy is defined by the Investment Adviser as a monetary policy providing an environment fostering long-term price stability. The Investment Adviser considers gold to be the only currency with intrinsic value and, as such, qualifies as a hard currency.

The term ''high-quality'' refers to debt instruments rated in the top three ratings by a U.S. nationally recognized ratings service, or that the Investment Adviser considers comparable in quality to debt instruments rated in the top three ratings.[13]

The Investment Adviser will determine currency allocations based on an analysis of monetary policies pursued by central banks and economic environments. The Investment Adviser will search for currencies that, in the Investment Adviser's opinion, are backed by sound monetary policy or gold. Once this determination has been made, money market or other debt instruments will be selected to create a liquid portfolio of short duration and high credit quality.

The Fund will specifically seek the currency risk of select countries pursuing what the Investment Adviser believes are sound monetary policies. As long-term price stability is unlikely to be achieved by most currencies, if any, the Investment Adviser will focus on a country's monetary policy that fosters such stability. The Investment Adviser will invest in a basket of hard currency-denominated investments that may include physical gold and gold-related securities to reduce the Fund's exposure to the risks of any one currency. The Investment Adviser may adapt the currency allocations as its analysis of monetary policies and economic environments evolves.

The Investment Adviser may sacrifice yield in return for high credit quality of debt securities. The Investment Adviser may limit or exclude currencies if, in the Investment Adviser's opinion, the potential for appreciation is not backed by sound monetary policy.

If the Investment Adviser deems a currency crisis likely, it is possible that the Fund will restrict its investments to a few currencies that meet the Investment Adviser's investment criteria for sound monetary policies and practices.

*Principal Investments*

As noted above, under normal market conditions,[14] the Fund will invest at least 80% of the value of its net assets (plus borrowings for investment purposes) in hard currency-denominated investments composed of high-quality, short-term debt instruments,[15] physical gold, and gold-related securities.

To try to reduce interest rate and credit risk to its portfolio, the Fund will seek to maintain a weighted average portfolio maturity of less than eighteen months, although the Fund may maintain a weighted average portfolio maturity of greater than eighteen months at any given time. In addition, the Fund will only buy money market or other short-term debt instruments that are rated in the top three ratings by U.S. nationally recognized ratings services or that the Investment Adviser considers comparable in quality to instruments rated in the top three ratings.[16]

The high quality, short term debt instruments in which the Fund will primarily invest include: U.S. dollar- and non-U.S. dollar-denominated money market instruments and similar securities; debt obligations issued by the

Fund's investment strategy. The Investment Manager will develop the overall investment program for the Fund (which includes working with the Investment Adviser to define principal investment strategies) and will be responsible for overseeing and reporting to the Board of the Trust regarding the Investment Adviser.

[7] *See* Commentary .06 to NYSE Arca Equities Rule 8.600. The Exchange represents that, in the event that (a) the Investment Manager or Investment Adviser becomes a registered broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new investment adviser is or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate, as the case may be, regarding access to information concerning the composition of, or changes to, the portfolio and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the portfolio.

[8] The Commission notes that additional information regarding the Trust, the Fund, and the Shares, including investment strategies, risks, net asset value (''NAV'') calculation, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions, and taxes, among other information, is included in the Notice and the Registration Statement, as applicable. *See* Notice and Registration Statement, *supra* notes 3 and 5, respectively.

[9] The term ''under normal market conditions'' includes, but is not limited to, the absence of adverse market, economic, political or other conditions including extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[10] According to the Exchange, the Fund will define ''short-term'' based upon an instrument's remaining maturity period, not the initial maturity period. For example, a twenty-year bond with three months remaining until maturity will be considered to be a short-term debt instrument.

[11] ''Gold-related securities'' are exchange-traded products (''ETPs'') that invest directly in gold bullion. ETPs that hold gold, physically or indirectly, are not regulated under the 1940 Act and are not afforded the protections thereunder.

[12] Provided that the Investment Adviser deems the following currencies to be backed by sound monetary policy, ''hard currencies'' include, without limitation: Argentine Peso (ARS); Australian Dollar (AUD); Brazilian Real (BRL); British Pound (GBP); Canadian Dollar (CAD); Chilean Peso (CLP); Chinese Renminbi (CNY); Colombian Peso (COP); Czech Koruna (CZK); Danish Krone (DKK); Euro (EUR); Hong Kong Dollar (HKD); Hungarian Forint (HUF); Iceland Krona (ISK); Indian Rupee (INR); Indonesian Rupiah (IDR); Israeli Shekel (ILS); Japanese Yen (JPY); Malaysian Ringgit (MYR); Mexican Peso (MXN); New Zealand Dollar (NZD); Norwegian Krone (NOK); Pakistani Rupee (PKR); Peruvian New Sol (PEN); Philippine Peso (PHP); Polish Zloty (PLN); Russian Ruble (RUB); Singapore Dollar (SGD); South African Rand (ZAR); South Korean Won (KRW); Swedish Krona (SEK); Swiss Franc (CHF); Taiwanese Dollar (TWD); Thai Baht (THB); Thai Baht Onshore (THO); Turkish Lira (TRY); U.S. Dollar (USD); and successor currencies of the aforementioned currencies, if any.

[13] In determining which instruments are comparable in quality to instruments rated in the top three ratings, the Investment Adviser will evaluate the relative creditworthiness of issuers and the relative credit quality of debt issues. Consideration may be given to an issuer's financial strength, capacity for timely payment and ability to withstand adverse financial developments, as well as any ratings assigned to other instruments issued by that issuer.

[14] *See supra* note 9.

[15] *See supra* note 10.

[16] *See supra* note 13.

U.S. and foreign national, provincial, state or municipal governments or their political subdivisions or agencies, central banks, sovereign entities, supranational organizations or special purpose entities organized or backed by any of the foregoing entities (''Special Purpose Entities''); debt instruments issued by U.S. and foreign corporations;[17] and debt obligations issued by entities that the Investment Adviser considers to be comparable to entities in the categories enumerated above.

Money market instruments in which the Fund may invest include short-term government securities, floating and variable-rate notes, certificates of deposit, time deposits, bankers' acceptances, commercial paper, and other short-term liquid instruments.

Securities issued by the U.S. Government in which the Fund may invest include short-term U.S. Treasury obligations and short-term debt obligations. The Fund may also purchase certificates not issued by the U.S. Department of the Treasury, which evidence ownership of future interest, principal, or interest and principal payments on obligations issued by the U.S. Department of the Treasury. The Fund may invest in obligations issued or guaranteed by U.S. Government agencies.[18] The Fund may also invest in separated or divided U.S. government securities.[19] Foreign government securities may include direct obligations, as well as obligations guaranteed by the foreign government and obligations issued by Special Purpose Entities.

The Fund may invest in U.S. and foreign corporate debt obligations. Corporate debt obligations include corporate bonds, debentures, notes, commercial paper, and other similar corporate debt instruments. In addition, the Fund also may invest in corporate debt securities registered and sold in the U.S. by foreign issuers (sometimes called Yankee bonds) and those sold outside the U.S. by foreign or U.S. issuers (sometimes called Eurobonds).

The Fund may invest in investment-grade debt securities and non-investment-grade debt securities. Investment-grade means rated in the top four long-term rating categories, or unrated and determined by the Investment Adviser to be of comparable quality. The Fund may invest up to 5% of its total assets in non-investment-grade debt securities, including defaulted securities, however the Fund does not expect to invest up to 5% in defaulted securities.

The Fund may invest in physical gold and gold-related securities. To the extent that the Fund invests in gold, it may do so by investing directly in physical gold or indirectly by investing through U.S.-listed ETPs[20] that invest in gold bullion.

*Other Investments*

In addition to the principal investments in hard currency-denominated investments described above, the Fund may make certain other investments. In addition to the U.S.-listed ETPs that the Fund may use as an indirect investment in gold, the Fund may invest in other ETPs, including exchange-traded funds (''ETFs'')[21] and exchange traded notes (''ETNs'').[22]

The Fund may enter into repurchase agreements. If the Fund enters into a repurchase agreement, it will maintain possession of the purchased securities and any underlying collateral. The Fund may also enter into reverse repurchase agreements. A counterparty to a reverse repurchase agreement must be a primary dealer that reports to the Federal Reserve Bank of New York or one of the largest 100 commercial banks in the United States.

While the Fund is permitted to invest in exchange-listed common and preferred stock and warrants, the Exchange states that the Fund will not generally invest in such assets. The Fund will not invest in any non-U.S. equity securities.

The Fund may invest in convertible securities, which include debt securities, preferred stock, or other securities that may be converted into, or exchanged for, a given amount of common stock of the same or a different issuer during a specified period and at a specified price in the future.

The Fund may invest in variable amount master demand notes. All variable amount master demand notes acquired by the Fund will be payable within a prescribed notice period not to exceed seven days.

The Fund may hold cash in bank deposits in foreign currencies. The Fund may conduct foreign currency exchange transactions either on a spot (cash) basis at the spot rate prevailing in the foreign exchange market or by entering into a forward foreign currency contract. The Fund may enter into forward contracts in order to ''lock in'' the exchange rate between the currency it will deliver and the currency it will receive for the duration of the contract.

For the purpose of hedging, efficient portfolio management, generating income, or enhancement of returns, the Fund may, from time to time, enter into forward currency contracts,[23] including currency forwards and cross currency forwards. The Fund may enter into forward currency contracts to hedge against risks arising from securities the Fund owns or anticipates purchasing, or the U.S. dollar value of interest and dividends paid on those securities.[24] The Fund may invest in a combination of forward currency contracts and U.S. dollar-denominated instruments in an attempt to obtain an investment result

[17] The Fund will typically invest only in debt instruments that the Investment Adviser deems to be sufficiently liquid at time of investment. Generally, a debt instrument must have $100 million (or an equivalent value if denominated in a currency other than U.S. dollars) or more par amount outstanding and significant par value traded to be considered sufficiently liquid at the time of investment. The Fund may invest up to 25% of its total assets in debt instrument having a lower par amount outstanding to the extent the Investment Advisor determines such an investment to be appropriate. In any such determination, the Investment Advisor will evaluate the relative creditworthiness of issuers and the relative credit quality of debt issues. Consideration may be given to an issuer's financial strength, capacity for timely payment, and ability to withstand adverse financial developments.

[18] Obligations issued or guaranteed by U.S. Government agencies include: (1) obligations issued or guaranteed by U.S. Government agencies and instrumentalities that are backed by the full faith and credit of the U.S. Government; and (2) securities that are guaranteed by agencies or instrumentalities of the U.S. Government but are not backed by the full faith and credit of the U.S. Government.

[19] These instruments represent a single interest or principal payment on a U.S. government security that has been separated from all the other interest payments as well as the security itself. While the components of such instruments are drawn from U.S. government securities, separated or divided securities may be formed by non-governmental institutions.

[20] Such ETPs may include the following securities: Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200) and Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201). The Fund may invest in ETPs which are not registered under the 1940 Act. The Fund may invest in ETPs sponsored by the Investment Adviser or its affiliates.

[21] For purposes of this proposed rule change, ETFs are securities that are registered pursuant to the 1940 Act such as those listed and traded on the Exchange pursuant to NYSE Arca Equities Rules 5.2(j)(3), 8.100, and 8.600.

[22] For purposes of this proposed rule change, ETNs are securities that are registered pursuant to the Securities Act such as those listed and traded on the Exchange pursuant to NYSE Arca Equities Rule 5.2(j)(6).

[23] A forward currency contract is an obligation to purchase or sell a specific currency at a future date, which may be any fixed number of days from the date of the contract agreed upon by the parties, at a price set at the time of the contract.

[24] To the extent the Fund retains various U.S. fixed-income instruments to settle derivative contracts, the Investment Adviser expects such instruments to generate income for the Fund. The value of such investments (to the extent used to cover the Fund's net exposure under the forward foreign currency contracts and similar instruments) and forward contracts and other instruments that provide investment exposure to currencies will be counted for purposes of the Fund's 80% policy.

that is substantially the same as a direct investment in a foreign currency-denominated instrument. For hedging purposes, the Fund may invest in forward currency contracts to hedge either specific transactions (transaction hedging) or portfolio positions (position hedging).[25]

In order to respond to adverse market, economic, political, or other conditions, the Fund may assume a temporary defensive position that is inconsistent with its principal investment strategies and invest, without limitation, in cash or cash equivalents (including commercial paper, certificates of deposit, banker's acceptances, and time deposits) which may be U.S. dollar-denominated.

*Investment Restrictions*

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Investment Adviser consistent with Commission guidance[26] and master demand notes. *The* Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Fund may not purchase a security if, as a result, more than 25% of its total assets would be invested in securities of issuers conducting their principal business activities in the same industry. For purposes of this limitation, there is no limit on investments in U.S. government securities and repurchase agreements covering U.S. government securities. With respect to foreign government securities, the Fund treats each foreign government or sovereign as its own industry.

Although the Fund intends to invest in a variety of securities and instruments, the Fund will be considered ''non-diversified' for the purposes of the 1940 Act, which means that it may invest more of its assets in the securities of a smaller number of issuers than if it were a diversified fund.

The Fund will use leveraged investment techniques only when the Investment Adviser believes that leveraging and the returns available to the Fund from investing the cash will provide investors with a potentially higher return. Such leveraged investment techniques include borrowing, repurchase agreements, reverse repurchase agreements, and securities lending. The Fund will not invest in leveraged or inverse leveraged ETPs. Such investments will not be used to enhance the leverage of the Fund as a whole and will otherwise be consistent with the Fund's investment objective.

The Fund will not directly invest in options contracts, futures contracts, or swap agreements. The Fund intends, for each taxable year, to qualify for treatment as a ''regulated investment company'' under Subchapter M of the Internal Revenue Code of 1986, as amended.[27]

## III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act[28] and the rules and regulations thereunder applicable to a national securities exchange.[29] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[30] which requires, among other things, that the Exchange's rules be designed 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 Commission notes that the Fund and the Shares must comply with the initial and continued listing criteria in NYSE Arca Equities Rule 8.600 for the Shares to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[31] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Quotation and last-sale information for the Shares and underlying U.S. exchange-traded equities, including, without limitation, ETPs (including ETFs and ETNs), common and preferred stock, and warrants, will be available via the Consolidated Tape Association (''CTA'') high-speed line. Quotation information from brokers and dealers or pricing services will be available for spot currency transactions, forwards, fixed income securities, other money market instruments, and repurchase and reverse repurchase agreements held by the Fund. Price information for the Fund's portfolio securities and other instruments is generally readily available through major market data vendors, automated quotation systems, published or other public sources and, for listed securities, the securities exchange on which they are listed and traded. Investors may obtain on a 24-hour basis gold pricing information based on the spot price for an ounce of gold from various financial information service providers, such as Reuters and Bloomberg.[32]

On each business day, before commencement of trading of Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (''Disclosed Portfolio'') held by the Fund and that will form the basis for the Fund's calculation of NAV at the

[25] The Investment Adviser seeks to mitigate counterparty risk associated with forward currency contracts by employing multiple brokers to execute trades and by monitoring the creditworthiness of counterparties through analysis of credit ratings available through U.S. nationally recognized ratings services.

[26] In reaching liquidity decisions, the Investment Adviser may consider the following factors: the frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[27] 26 U.S.C. 851.

[28] 15 U.S.C. 78f.

[29] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[30] 15 U.S.C. 78f(b)(5).

[31] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[32] According to the Exchange, Reuters and Bloomberg provide at no charge on their Web sites delayed information regarding the spot price of gold, as well as information about news and developments in the gold market. Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on gold prices directly from market participants. ICAP plc provides an electronic trading platform called EBS for the trading of spot gold, as well as a feed of live streaming prices to Reuters and Moneyline Telerate subscribers. The Exchange also states that there are a variety of other public Web sites providing information on gold, ranging from those specializing in precious metals to sites maintained by major newspapers, such as The Wall Street Journal. In addition, the daily London noon Fix is publicly available at no charge at *www.thebulliondesk.com.*

end of the business day.[33] In addition, the Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600(c)(3), that will be based upon the current value for the components of the Disclosed Portfolio, will be widely disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors.[34] The Fund will calculate its NAV as of the close of trading on the Exchange (normally 4:00 p.m., Eastern Time) on each weekday except on days when the Exchange is closed.[35] Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. The Web site for the Fund will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable,[36] and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth additional circumstances under which Shares of the Fund may be halted. The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. Consistent with NYSE Arca Equities Rule 8.600(d)(2)(B)(ii), the Reporting Authority must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the Fund's portfolio. In addition, the Exchange states that neither the Investment Manager nor the Investment Adviser is a broker-dealer or is affiliated with a broker-dealer.[37] The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[38] The Exchange further represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. Moreover, prior to the commencement of trading, the Exchange states that it will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares.

The Exchange represents that the Shares are deemed to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including the following:

(1) The Shares will be subject to NYSE Arca Equities Rule 8.600, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) The Exchange represents that its surveillance procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws

(4) FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and underlying equity securities (including, without limitation, ETPs (including ETFs and ETNs), common and preferred stock and warrants, and any other exchange-traded products) with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''),

[33] On a daily basis, the Fund will disclose for each portfolio security and other financial instrument of the Fund the following information: ticker symbol (if applicable), name or description of security and financial instrument, number of shares or dollar value of securities and financial instruments held in the portfolio, and percentage weighting of securities and financial instruments in the portfolio. The Web site information will be publicly available at no charge.

[34] According to the Exchange, several major market data vendors display or make widely available Portfolio Indicative Values taken from CTA or other data feeds.

[35] According to the Exchange, the Fund will value securities for which market quotations are readily available at current market value, except for money market instruments with a maturity of sixty days or less, which may be valued at amortized cost. Securities for which market quotations are readily available, such as exchange-listed common stock and preferred stock and warrants, will be valued using the last reported sales price provided by independent pricing services as of the close of trading on the Exchange. In the absence of sales, such securities will be valued at the mean of the last bid and ask prices. Non-exchange-traded securities for which quotations are readily available will be valued at the mean between the current bid and ask prices. Debt securities, including master demand notes and convertible securities, may be valued at prices supplied by the Fund's pricing agents based on broker or dealer-supplied valuations or matrix pricing, a method of valuing securities by reference to the value of other securities with similar characteristics such as rating, interest rate, and maturity. Forward currency contracts will be valued at the mean of bid and ask prices for the time period interpolated from rates reported by an independent pricing service for proximate time periods. Spot currency transactions will normally be valued on the basis of quotes obtained from brokers and dealers or pricing services using data reflecting the earlier closing of the principal markets for those assets. Repurchase agreements and reverse repurchase agreements will generally be valued at par. Gold will generally be valued at prices supplied by the Fund's pricing agents based on the spot price for an ounce of gold. Investments in open-end registered investment companies will be valued at their NAV, and investments in other ETPs will be valued using market prices.

[36] These reasons may include: (1) the extent to which trading is not occurring in the securities or the financial instruments composing the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt of suspend trading in the Shares of the Fund.

[37] *See supra* note 7 and accompanying text. The Exchange states that an investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (''Advisers Act''). As a result, the Investment Manager, the Investment Adviser, and their related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless the investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[38] The Exchange states that FINRA surveils trading on the Exchange pursuant to a regulatory services agreement and that the Exchange is responsible for FINRA's performance under this regulatory services agreement.

and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and underlying equity securities (including, without limitation, ETPs (including ETFs and ETNs), common and preferred stock and warrants, and any other exchange-traded products) from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and underlying equity securities (including, without limitation, ETPs (including ETFs and ETNs), common and preferred stock and warrants, and any other exchange-traded products) from markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The ETPs (including ETFs and ETNs), common and preferred stock, and warrants in which the Fund may invest all will be listed and traded on an exchange which is a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine.

(5) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares in creation unit aggregations (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (d) how information regarding the Portfolio Indicative Value is disseminated; (e) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(6) For initial and continued listing, the Fund must be in compliance with Rule 10A–3 under the Act,[39] as provided by NYSE Arca Equities Rule 5.3.

(7) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Investment Adviser consistent with Commission guidance, and master demand notes.

(8) The Fund will only buy money market or other short-term debt instruments that are rated in the top three ratings by U.S. nationally recognized ratings services or that the Investment Adviser considers comparable in quality to instruments rated in the top three ratings. The Fund may only invest up to 5% of its total assets in non-investment-grade debt securities.

(9) If the Fund enters into a repurchase agreement, it will maintain possession of the purchased securities and any underlying collateral. A counterparty to a reverse repurchase agreement must be a primary dealer that reports to the Federal Reserve Bank of New York or one of the largest 100 commercial banks in the United States.

(10) The Fund will not invest in: (a) Any non-U.S. equity securities; (b) options contracts, futures contracts, or swap agreements; and (c) leveraged or inverse leveraged ETPs.

(11) The Fund will typically invest only in debt instruments that the Investment Adviser deems to be sufficiently liquid at time of investment. Generally a debt instrument must have $100 million (or an equivalent value if denominated in a currency other than U.S. dollars) or more par amount outstanding and significant par value traded to be considered sufficiently liquid at the time of investment. The Fund may invest up to 25% of its total assets in debt instruments having a lower par amount outstanding to the extent the Investment Advisor determines such an investment to be appropriate. In any such determination, the Investment Advisor will evaluate the relative creditworthiness of issuers and the relative credit quality of debt issues. Consideration may be given to an issuer's financial strength, capacity for timely payment, and ability to withstand adverse financial developments.

(12) A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange.

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice, and the Exchange's description of the Funds.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[40] and the rules and regulations thereunder applicable to a national securities exchange.

## IV. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act,[41] that the proposed rule change (SR–NYSEArca–2013–132), as modified by Amendment Nos. 2 and 3 thereto, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[42]

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2014–01661 Filed 1–28–14; 8:45 am]

BILLING CODE 8011–01–P

[39] *See* 17 CFR 240.10A–3.

[40] 15 U.S.C. 78f(b)(5).

[41] 15 U.S.C. 78s(b)(2).

[42] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71372; File No. SR–FINRA–2014–003]**

## Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA's Corporate Financing Rules To Simplify and Refine the Scope of the Rules

January 23, 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 January 9, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. 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

FINRA is proposing to amend FINRA's corporate financing rules to simplify and refine the scope of the rules.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, FINRA 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. FINRA 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

FINRA proposes to amend Rules 5110 (Corporate Financing Rule—Underwriting Terms and Arrangements) and 5121 (Public Offerings of Securities with Conflicts of Interest). Rule 5110 generally regulates underwriting compensation and prohibits unfair arrangements in connection with the public offering of securities. Among other provisions, Rule 5110 requires members to file with FINRA information about the securities offerings in which they participate and to disclose affiliations and other relationships that may indicate the presence of conflicts of interest. Rule 5121 generally provides that members with a conflict of interest may not participate in a public offering unless the member complies with certain prescribed disclosures or other protections.

FINRA is proposing amendments to Rule 5110 to: (1) Narrow the scope of the definition of ''participation or participating in a public offering;'' (2) modify the lock-up restrictions to exclude certain securities acquired or converted to prevent dilution; and (3) clarify that the information requirements apply only to relationships with a ''participating'' member. FINRA also is proposing amendments to Rule 5121 to narrow the scope of the definition of ''control.''

Participation in a Public Offering

As noted above, Rule 5110 generally regulates underwriting compensation and prohibits unfair arrangements in connection with the public offering of securities. The protections of the rule apply to members that are ''participating'' in the public offering of an issuer's securities. Rule 5110(a)(5) defines ''participating in a public offering'' to include ''participation in the distribution of the offering on an underwritten, non-underwritten, or any other basis'' and the ''furnishing of customer and/or broker lists for solicitation.'' Due to the importance of the role such members serve in the capital raising process and the degree to which issuers must rely on them, those members may be in a position to extract unreasonable underwriting terms, arrangements or compensation from issuers.

However, also included within the definition of ''participating in a public offering'' is participation in ''any advisory or consulting capacity related to the offering.'' Unlike in cases where a member is involved in distribution and solicitation activities, a member that solely provides advisory or consulting services typically would not have a significant degree of leverage over an issuer. Consequently, FINRA does not believe that the harms sought to be prevented by Rule 5110 are likely to occur in such cases.

Thus, FINRA is proposing to amend the definition of ''participating in a public offering'' to provide that an ''independent financial adviser'' that provides advisory or consulting services to an issuer would not be deemed to be ''participating'' in the public offering of an issuer's securities. The amendments would define ''independent financial adviser'' as a member that provides advisory or consulting services to the issuer and that is neither engaged in, nor affiliated with any entity that is engaged in, the solicitation or distribution of the offering. To the extent a member engages in solicitation or distribution activities in addition to providing advisory or consulting services, this exclusion would not be available and all of the compensation received by that member in connection with the offering would be included in the compensation limitations of Rule 5110. Rule 5110(a)(5)'s definition of ''participating member'' also includes affiliates of the member. Thus, if a member provides distribution or solicitation services and its affiliate provides advisory or consulting services, all of the compensation received by the member and its affiliate would be included in the compensation limitations of Rule 5110.

FINRA believes this proposed modification preserves the protections of the rule while also removing a possible obstacle to the ability of issuers to obtain advisory or consulting services from members not participating in the offering, since today the rule would include the compensation for such services in the limits on overall underwriting compensation. Thus, under the proposed approach, issuers would be free to seek the benefit of consulting services or advice from a member that is not engaged in the distribution or sale of its securities regarding such matters as the options for financing that may be available to the issuer, the benefits and disadvantages of a public offering and the terms proposed by the underwriters.

Lock-Up Restrictions

Rule 5110(d)(1) generally includes as underwriting compensation all items of value, which may include unregistered securities, that are acquired (or arranged to be acquired) within 180 days prior to the filing of the registration statement (''180-day review period''). Rule 5110(d)(5) (Exceptions from Underwriting Compensation) provides five exceptions that permit participating members to acquire securities of the issuer during the 180-day review period without the securities being deemed to be underwriting compensation.

The provisions of paragraph (d)(5)(D) of Rule 5110 (Acquisitions and Conversions to Prevent Dilution) exclude from underwriting compensation the receipt of additional securities to prevent dilution of the investor's investment (*e.g.,* securities acquired as a result of a stock-split or a pro-rata rights or similar offering) where such additional securities are received during the 180-day review period or subsequent to the filing of the public offering, but where the original securities were acquired prior to the 180-day review period or otherwise were not deemed by FINRA to be underwriting compensation, as described in Rule 5110(d)(5)(D). Among other things, the exception requires that the right or opportunity to receive the additional securities was provided to all similarly situated security holders and the receipt of the additional securities does not increase the recipient's percentage ownership of the same class.

The exception is available when securities are acquired as a result of a stock split or pro-rata rights or similar offering, a stock conversion of securities that have not been deemed by FINRA to be underwriting compensation or certain rights of preemption. With respect to a right of preemption, the exception is only available if the right was granted in connection with securities purchased either: (i) In a private placement so long as the securities acquired in the private placement are not deemed to be underwriting compensation (*i.e.,* the private placement did not occur within the 180-day review period); or (ii) from a public offering or the public market.

While these acquisitions and conversions to prevent dilution are excepted from underwriting compensation, they currently continue to be subject to the lock-up restrictions of paragraph (g)(1).[3] For example, if common shares were acquired before the 180-day review period, they are not considered ''items of value'' and are not subject to the compensation limitations or lock-up restrictions. However, shares received as a result of the preexisting ownership of the common shares during the 180-day review period (*e.g.,* resulting from a stock-split) are not subject to the compensation limitations, but continue to be locked up pursuant to paragraph (g)(1). Subjecting securities acquired or converted to prevent dilution during the 180-day review period to the lock-up restrictions even where they are not considered ''items of value'' under Rule 5110(c)(3) may not provide any useful protection, and this requirement may impose unnecessary burdens on firms to track and monitor compliance with the lock-up provisions. Therefore, FINRA proposes to treat shares received in an acquisition or conversion to prevent dilution during the 180-day review period consistent with the treatment provided for the securities on which their acquisition or conversion was based, thereby eliminating the lock-up restrictions for these securities.

Information Requirements

Subject to certain exceptions, Rule 5110(b)(6)(A)(iii) requires filers to disclose to FINRA information about the affiliation or association with any member of the officers, directors, and certain owners of the issuer. FINRA is proposing to amend Rule 5110(b)(6)(A)(iii) to reduce the scope of this provision from requiring disclosure about the affiliation or association of the specified parties with ''any member'' to ''any participating member.'' The compensation limitations and other provisions of Rule 5110 and Rule 5121 apply only to members that participate in a public offering. Consequently, affiliations of non-participating members would not present the type of concerns that the rule is designed to address, and requiring that information about these other members be filed with FINRA is unnecessary.

Definition of ''Control''

FINRA proposes to revise the scope of the definition of ''control'' in Rule 5121(f)(6) to exclude beneficial ownership of 10 percent or more of the outstanding subordinated debt of an entity. The scope of the definition of ''control'' is related to the determination of whether a member and an issuer are deemed to be affiliated[4] for purposes of the conflicts provisions of Rule 5121 (Public Offerings of Securities With Conflicts of Interest)[5] and for certain informational requirements of Rule 5110.[6] However, ownership of 10 percent or more of the outstanding subordinated debt of an entity is not a meaningful measure of control or affiliation for purposes of Rules 5121 and 5110. The proposed amendment thus would reduce the scope of the information required to be reported by members.

FINRA staff discussed the proposal with industry groups and advisory committees in developing its approach, and these parties were supportive of the proposal. FINRA received one comment from an advisory committee member regarding the proposed reduction of the scope of the Rule 5110's provisions to only ''participating'' members. Specifically, the committee member suggested that FINRA retain the information requirement for issuer relationships with any financial adviser that owns 5 percent or more of any class of the issuer's securities—even where such financial adviser is not affiliated with a participating member. However, FINRA believes it is more appropriate to limit the information requirement to members that are ''participating'' in the offering and their affiliates, which would capture advisers who are affiliates of participating members (but would exclude an independent financial advisor). The effective date of the proposed rule change will be 30 days following Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[7] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

FINRA believes that the proposed rule change meets these requirements in that it eliminates burdensome provisions that are not justified by the regulatory purposes of the rules, while continuing to preserve important protections addressing abusive arrangements and minimizing the opportunity for abusive practices by members in connection with their participation in public offerings of securities. For example, the proposed amendments to Rule 5110(a)(5) to revise the definition of ''participation'' to exclude from the definition's scope advisory or consulting services provided to the issuer by an independent financial adviser supports [sic] capital formation without compromising investor protection. Specifically, FINRA believes that provision of such services by an independent party, wholly uninvolved with the solicitation or distribution of the offering, is not likely to present the harms sought to be prevented by Rule 5110.

Similarly, the proposed amendments to the provision subjecting securities acquired as a result of an acquisition or conversion to prevent dilution—notwithstanding that the acquisition of the such securities is not deemed underwriting compensation pursuant to Rule 5110(d)(5)—maintains [sic] the goals of preventing fraudulent and manipulative acts and practices as well as protecting investors and the public interest. Since the effective date of the Rule 5110(d)(5)(D) on March 22, 2004,[8] FINRA has not observed abuse in connection with securities acquired prior to the 180-day review period where those securities ultimately split within the 180-day period (or otherwise qualify for the (d)(5)(D) exception). Thus, in addition to the current exception for securities acquisitions or conversion to prevent dilution from the underwriting compensation provisions, FINRA believes it also is appropriate to except these acquisitions or conversions to prevent dilution from the lock-up restrictions of paragraph (g) given the continued application of the protections described in paragraph (d)(5)(D)(ii), (iii) and (iv).

The proposed amendment to limit the scope of the disclosure provision of 5110(b)(6)(A)(iii) to issuer relationships with ''any participating member'' (rather

[3] Paragraph (g)(1) of Rule 5110 generally provides that such securities received as a result of an acquisition or conversion to prevent dilution must not be sold during the offering, or sold, transferred, assigned, pledged, or hypothecated, or be the subject of any hedging, short sale, derivative, put, or call transaction that would result in the effective economic disposition of the securities by any person for a period of 180 days immediately following the date of effectiveness or commencement of sales of the public offering (''lock-up restrictions'').

[4] Rule 5121(f)(1) provides that the term ''affiliate'' means an entity that controls, is controlled by or is under common control with a member.

[5] Rule 5121 defines ''conflict of interest'' to include situations where the issuer ''controls, is controlled by or is under common control with the member or the member's associated persons.''

[6] *See* Rule 5110(b)(6)(A)(iii).

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] *See* Securities Exchange Act Release No. 48989 (December 23, 2003), 68 FR 75684 (December 31, 2003) (Order Approving File No. SR–NASD–00–04).

than ''any member'') reduces the burden on members to report to FINRA items of information that FINRA does not believe are necessary. The current requirement to obtain information regarding the acquisition of the issuer's unregistered equity securities by any member regardless of whether the member is participating in the offering may facilitate filing when members are moving in and out of a syndicate or selling group prior to an offering. Information regarding members that are not participating in the offering, however, is not useful for purposes of the rule's compensation limits and other requirements. Accordingly, the burden of acquiring this unnecessary information is not justified by a regulatory benefit.

Finally, in proposing amendments to the scope of the definition of ''control'' in Rule 5121(f)(6), as discussed above, FINRA believes that ownership of 10 percent or more of the outstanding subordinated debt of an entity should be excluded from the scope of the definition of ''control'' because it is not a meaningful measure of control or affiliation between a member and an issuer for purposes of Rules 5121 and 5110 and, thus, eliminating this aspect of the definition would reduce the information required to be reported to FINRA by members without reducing the rule's efficacy, consistent with the purposes of the Act.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

FINRA 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 discussed above, the proposal makes simplifying and streamlining amendments to Rules 5110 and 5121 and would reduce the burden of compliance. The proposed amendments also would provide these benefits to any affected members engaging in activity subject to Rules 5110 and 5121.

*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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2014–003 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2014–003. 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 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 offices of FINRA. 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–FINRA–2014–003, and should be submitted on or before February 19, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2014–01656 Filed 1–28–14; 8:45 am]

**BILLING CODE 8011–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71376; File No. SR–OCC–2013–807]**

## Self-Regulatory Organizations; The Options Clearing Corporation; Notice of No Objection To Advance Notice Filing Concerning the Governance Committee Charter

January 23, 2014.

On November 26, 2013, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–OCC–2013–807 (''Advance Notice'') pursuant to Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'' or ''Title VIII'')[1] and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934 (''Exchange Act'').[2] The Advance Notice was published for comment in the **Federal Register** on December 20, 2013.[3] The Commission did not receive any comments on the Advance Notice publication. This publication serves as a notice of no objection to the Advance Notice.

## I. Description of the Advance Notice

This advance notice concerns the Board of Director's (''Board'') formation of a Governance Committee (''GC'') and its approval of the GC Charter. As set forth in the GC Charter, the purpose of the GC is to review the overall corporate governance of OCC and recommend improvements to OCC's Board. The GC Charter describes the role the GC plays

[9] 17 CFR 200.30–3(a)(12).

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i). OCC is a designated financial market utility and is required to file advance notices with the Commission. *See* 12 U.S.C. 5465(e). OCC also filed the proposal in this Advance Notice as a proposed rule change under Section 19(b)(1) of the Exchange Act and Rule 19b–4 thereunder, which was published for comment in the **Federal Register** on December 16, 2013. 15 U.S.C. 78s(b)(1); 17 CFR 240.19b–4. *See* Release No. 34–71030 (Dec. 11, 2013), 78 FR 76182 (Dec. 16, 2013) (SR–OCC–2013–18).

[3] Release No. 34–71803 (Dec. 16, 2013), 78 FR 77181 (Dec. 20, 2013) (SR–OCC–2013–807) (''Notice'').

in assisting the Board in fulfilling its responsibilities, as described in OCC's By-Laws and Rules, as well as specifying the policies and procedures governing the membership and organization, scope of authority, and specific functions and responsibilities of the GC. In addition, the guidelines for the composition of the GC as well as the policies regarding its meeting schedule, quorum rules, minute-keeping and reporting requirements are set forth in the GC Charter and conform to applicable requirements specified in OCC's By-Laws and Rules.

The GC is composed of not fewer than five Directors with at least one Public Director, one Exchange Director and one Member Director. Management Directors will not be members of the GC. The Board will designate a GC Chair and if the Chair is not present at a meeting, the members who are present will designate a member to serve as the Acting Chair. The GC will meet at least four times a year and a majority of the GC members constitutes a quorum. The GC is permitted to call executive sessions from which guests of the GC may be excluded, and GC members are permitted to participate in all meetings by conference telephone call or other means of communication that permit all meeting participants to hear each other. The GC Chair, or the Chair's designee, will report regularly to the Board on the GC's activities.

The GC Charter sets forth certain functions and responsibilities for the GC including, but not limited to, the following: Review the composition of the Board as a whole, including the Board's balance of participant and non-participant directors, business specialization, technical skills, diversity and other desired qualifications; review the Board's Charter for consistency with regulatory requirements, transparency of the governance process and other sound governance practice and recommend changes to the Board, where appropriate; review the committee structure of the Board, including the GC, and recommend changes to the Board, where appropriate; review OCC's policies and procedures for identifying and reviewing Board nominee candidates, including the criteria for Board nominees; develop and recommend to the Board a periodic process of self-evaluation of the role and performance of the Board, its committees and management in the governance of OCC; review OCC's policies on conflicts of interest of directors, including the OCC Directors Code of Conduct and recommend changes, where appropriate; and, review OCC's new director orientation program as well as OCC's training and education programs for Board members and recommend changes, where appropriate. In addition to the foregoing, the GC may undertake other and different activities, as appropriate, or as may be delegated to it by the Board. In discharging its role, the GC shall confer with management and other employees of OCC to the extent the GC deems it necessary to do so to fulfill its duties.[4]

## II. Discussion and Commission Findings

Although Title VIII does not specify a standard of review for an advance notice, the Commission believes that the stated purpose of Title VIII is instructive.[5] The stated purpose of Title VIII is to mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically-important financial market utilities (''FMUs'') and strengthening the liquidity of systemically important FMUs.[6]

Section 805(a)(2) of the Clearing Supervision Act[7] authorizes the Commission to prescribe risk management standards for the payment, clearing, and settlement activities of designated clearing entities and financial institutions engaged in designated activities for which it is the supervisory agency or the appropriate financial regulator. Section 805(b) of the Clearing Supervision Act[8] states that the objectives and principles for the risk management standards prescribed under Section 805(a) shall be to:

- Promote robust risk management;
- Promote safety and soundness;
- Reduce systemic risks; and
- Support the stability of the broader financial system.

The Commission has adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act[9] (''Clearing Agency Standards'').[10] The Clearing Agency Standards became effective on January 2, 2013 and require registered clearing agencies that perform central counterparty (''CCP'') services to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk management practices on an ongoing basis.[11] As such, it is appropriate for the Commission to review advance notices against these Clearing Agency Standards and the objectives and principles of these risk management standards as described in Section 805(b) of the Clearing Supervision Act.[12]

OCC's GC, as described above, is tasked with reviewing the overall corporate governance of OCC and making recommendations to the Board for improvements. Consistent with Section 805(b) of the Clearing Supervision Act,[13] the Commission believes that OCC's GC should help promote robust risk management and mitigate systemic risk by enhancing the transparency of OCC's governance arrangements and providing a vehicle for the review of OCC's governance structure, policies and overall effectiveness and efficiency.

Commission Rule 17Ad–22(d)(8),[14] adopted as part of the Clearing Agency Standards,[15] requires that a registered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to ''have governance arrangements that are clear and transparent to fulfill the public interest requirements in Section 17A of the Act applicable to clearing agencies, to support the objectives of owners and participants, and to promote the effectiveness of the clearing agency's risk management procedures.'' The Commission believes that the GC's review of OCC's governance structure and any related recommendations that clarify OCC's governance structure or further define governance responsibilities may help OCC fulfill these requirements. Moreover, the Commission believes that the GC may also aid in identifying any risks and inefficiencies in the current governance structure and making recommendations to the full Board to help mitigate those

[4] The GC, subject to the approval of the Board, is permitted to hire specialists or rely on outside advisors or specialists to assist it in carrying out the GC's activities. The GC has the authority to approve the fees and retention terms of such advisors and specialists.

[5] *See* 12 U.S.C. 5461(b).

[6] *Id.*

[7] 12 U.S.C. 5464(a)(2).

[8] 12 U.S.C. 5464(b).

[9] 12 U.S.C. 5464(a)(2).

[10] Rule 17Ad–22, 17 CFR 240.17Ad–22. Exchange Act Release No. 68080 (October 22, 2012), 77 FR 66220 (November 2, 2012) (S7–08–11).

[11] The Clearing Agency Standards are substantially similar to the risk management standards established by the Board of Governors of the Federal Reserve System (''*Federal Reserve*'') governing the operations of designated DFMUs that are not clearing entities and financial institutions engaged in designated activities for which the Commission or the Commodity Futures Trading Commission is the Supervisory Agency. See Financial Market Utilities, 77 FR 45907 (August 2, 2012).

[12] 12 U.S.C. 5464(b).

[13] *See* 12 U.S.C. 5464(b).

[14] 17 CFR 240.17Ad–22(d)(8).

[15] *See supra* note 10. Release No. 34–68080 (Oct. 22, 2012), 77 FR 66219 (November 2, 2012).

risks and eliminate any such inefficiencies.

### III. Conclusion

*It is therefore noticed,* pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act,[16] that the Commission *does not object* to advance notice proposal (SR–OCC–2013–807) and that OCC is *authorized* to implement the proposal as of the date of this notice or the date of an order by the Commission approving a proposed rule change that reflects rule changes that are consistent with this advance notice proposal (SR–OCC–2013–18), whichever is later.

By the Commission.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2014–01660 Filed 1–28–14; 8:45 am]

**BILLING CODE 8011–01–P**

[16] 12 U.S.C. 5465(e)(1)(I).

## SECURITIES AND EXCHANGE COMMISSION

**[File No. 500–1]**

### Olie, Inc. and Hi Score Corp.; Order of Suspension of Trading

January 27, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Olie, Inc. and Hi Score Corp. There are questions regarding the accuracy of publicly available information about both companies' assets, acquisitions, business activities, control persons, securities offerings, and financing arrangements. Olie, Inc. is a Delaware corporation with its principal place of business in Vancouver, Canada. Olie, Inc.'s common stock is quoted on OTC Link operated by OTC Markets Group Inc. (''OTC Link'') under the ticker symbol OLIE. Hi Score Corp. is a Florida corporation with its principal place of business in Sunrise, Florida. Hi Score Corp.'s common stock is quoted on OTC Link under the ticker symbol HSCO.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

*Therefore, it is ordered,* pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on January 27, 2014, through 11:59 p.m. EST on February 7, 2014.

By the Commission.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2014–01836 Filed 1–27–14; 11:15 am]

**BILLING CODE 8011–01–P**

## SMALL BUSINESS ADMINISTRATION

### Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 06/06–0312 issued to Retail and Restaurant Growth Capital, L.P., said license is hereby declared null and void.

Dated: January 16, 2014.

**Javier E. Saade,**

*Associate Administrator for Investment, United States Small Business Administration.*

[FR Doc. 2014–01720 Filed 1–28–14; 8:45 am]

**BILLING CODE 8025–01–P**

## DEPARTMENT OF STATE

**[Public Notice 8612]**

### 60-Day Notice of Proposed Information Collection: Electronic Application for Immigration Visa and Alien Registration

**ACTION:** Notice of request for public comment.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

**DATES(S):** The Department will accept comments from the public up to March 31, 2014.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Web:* Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Public Notice 8612'' in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.
- *Email: PRA_BurdenComments@state.gov*.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Sydney Taylor at *PRA_BurdenComments@state.gov*.

**SUPPLEMENTARY INFORMATION:**

- *Title of Information Collection:* Electronic Application for Immigration and Alien Registration.
- *OMB Control Number:* DS–260.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–260.
- *Respondents:* Immigrant Visa Applicants.
- *Estimated Number of Respondents:* 645,000.
- *Estimated Number of Responses:* 645,000.
- *Average Time per Response:* 2 hours.
- *Total Estimated Burden Time:* 1,290,000 hours.
- *Frequency:* Once per Respondent.
- *Obligation to Respond:* Required to Obtain Benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: Form DS–260 will be used to elicit information to determine the eligibility of aliens applying for immigrant visas.

Methodology: The DS–260 will be submitted electronically to the Department via the internet. The applicant will be instructed to print a confirmation page containing a 2–D bar code record locator, which will be scanned at the time of adjudication. Applicants who submit the electronic application will no longer submit paper-based applications to the Department.

Dated: January 17, 2014.

**Edward Ramotowski,**

*Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.*

[FR Doc. 2014–01750 Filed 1–28–14; 8:45 am]

BILLING CODE 4710–06–P

## DEPARTMENT OF STATE

**[Public Notice 8611]**

### Overseas Security Advisory Council (OSAC) Meeting Notice

**Closed Meeting**

The Department of State announces a meeting of the U.S. State Department—Overseas Security Advisory Council on February 11 and 12, 2014. Pursuant to Section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(7)(E), it has been determined that the meeting will be closed to the public. The meeting will focus on an examination of corporate security policies and procedures and will involve extensive discussion of trade secrets and proprietary commercial information that is privileged and confidential, and will discuss law enforcement investigative techniques and procedures. The agenda will include updated committee reports, a global threat overview, and other matters relating to private sector security policies and protective programs and the protection of U.S. business information overseas.

For more information, contact Marsha Thurman, Overseas Security Advisory Council, U.S. Department of State, Washington, DC 20522–2008, phone: 571–345–2214.

Dated: January 23, 2014.

**Gregory B. Starr,**

*Director of the Diplomatic Security Service, U.S. Department of State.*

[FR Doc. 2014–01584 Filed 1–28–14; 8:45 am]

BILLING CODE 4710–24–P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending January 18, 2014

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT–OST–2014–0005.

*Date Filed:* January 15, 2014.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 5, 2014.

*Description:* Application of Heron Luftfahrt GmbH & Co. KG requesting a foreign air carrier permit and exemption authority to operate charter flights with passengers and property to/from the United States.

*Docket Number:* DOT–OST–2014–0007.

*Date Filed:* January 16, 2014.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 6, 2014.

*Description:* Application of Lineas Aereas Suramericanas, S.A. (''LAS'') requesting a foreign air carrier permit and renewal of exemption authority authorizing LAS to operate the following services pursuant to the Open Skies Air Transport Agreement between the Governments of the United States of Colombia: (i) foreign air transportation of property and mail from points behind Colombia via Colombia and intermediate points to any point or points in the United States and beyond; and (ii) other charters.

**Barbara J. Hairston,**

*Supervisory Dockets Officer Docket Operations, Federal Register Liaison.*

[FR Doc. 2014–01696 Filed 1–28–14; 8:45 am]

BILLING CODE 4910–9X–P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### Aviation Proceedings, Agreements Filed the Week Ending December 21, 2013

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* DOT–OST–2013–0218.

*Date Filed:* December 18, 2013.

*Parties:* Members of the International Air Transport Association.

*Subject:* Recommended Practice 1630.

Finally Adopted Resolution dated 17 December 2013.

CSC Mail Vote (S076) dated 23 August 2013.

Intended effective date: 18 February 2014.

**Barbara J. Hairston,**

*Supervisory Dockets Officer, Docket Operations, Federal Register Liaison.*

[FR Doc. 2014–01697 Filed 1–28–14; 8:45 am]

BILLING CODE 4910–9X–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Aircraft Certification Service (AIR) Reorganization/Merger Announcement

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** This action gives notice to the American public and aviation industry of the FAA's Aviation Safety Office's (AVS), Aircraft Certification Service (AIR) reorganization/merger. The Aircraft Engineering Division (AIR–100) and Production and Airworthiness Division (AIR–200) are merging to become the Design, Manufacturing, and Airworthiness Division, AIR–100. The new AIR–100 Division is divided into five branches, Certification and Procedures Branch (AIR–110), Technical and Administrative Support Branch (AIR–120), Systems and Equipment Standards Branch (AIR–130), Operational Oversight Policy Branch (AIR–140), and System Performance and Development Branch (AIR–150).

**DATES:** Effective date, February 9, 2014.

*Responsibilities:* The current Aircraft Engineering Division responsibilities

include developing and standardizing regulations, national directives, policy, procedures, and advisory material for continued operational safety, type certification, design approval, and for authorization and oversight of Designated Representatives of the Administrator for civil aeronautical products. The current Production and Airworthiness Division responsibilities include developing and issuing regulations, national directives, policy, and procedures for continued operational safety, production and airworthiness certification and approvals, and certain Designated Representatives of the Administrator. Those combined responsibilities will remain intact in the newly established Design, Manufacturing, and Airworthiness Division.

*Policy Documents:* All Aircraft Engineering Division and Production and Airworthiness Division previously issued Advisory Circulars, Orders, Notices, and guidance will remain in effect until revised, changed, or deleted. The documents will be reviewed and modified according to priority.

*Additional Information:* Please contact the Engineering, Manufacturing, and Airworthiness Division (AIR–100) by phone on 202–285–6348 or by email at *9-AVS-AIR100@faa.gov.* For a further breakdown of the Division and physical addresses view *http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/air/hq/.*

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

**Frank P. Paskiewicz,**

*Deputy Director, Aircraft Certification Service.*

[FR Doc. 2014–01718 Filed 1–28–14; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Aviation Rulemaking Advisory Committee (ARAC); New Task Assignment for the ARAC: Establishment of Airman Certification System Working Group

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** The FAA assigned the ARAC a new task arising from recommendations of the ARAC Airman Testing Standards and Training Working Group (ATSTWG). The ATSTWG recommended ways to ensure that the FAA's airman testing and training materials better support reduction of fatal general aviation accidents. The FAA and the Aviation Industry jointly seek to improve airman training and testing by establishing an integrated, holistic airman certification system that clearly aligns testing with certification standards, guidance, and reference materials, and maintains that alignment. The new task is to establish an Airman Certification System Working Group (ACSWG) that will provide expert assistance and industry views to the FAA's Flight Standards Service (AFS) on the development, modification, and continued alignment of the major components of the airman certification system.

This action item informs the public of the new ARAC's task and solicits membership for the new ACSWG.

**FOR FURTHER INFORMATION CONTACT:** Van L. Kerns, Manager, Regulatory Support Division, FAA Flight Standards Service, AFS 600, FAA Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125; telephone (405) 954–4431, email *van.l.kerns@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

The FAA established ARAC to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities. ARAC's objectives are to improve the development of the FAA's regulations by providing information, advice, and recommendations related to aviation issues.

On September 21, 2011, the FAA chartered the Airman Testing Standards and Training Aviation Rulemaking Committee (ARC) for the U.S. aviation community to develop recommendations for more effective training and testing in the areas of aeronautical knowledge and flight proficiency required for safer operation in today's National Airspace System (NAS). The FAA's charge to the ARC was to help ensure that FAA's technical information related to existing standards for airman knowledge and skill tests, computer testing supplements, knowledge test guides, practical test standards and training handbooks incorporates the most current, relevant, and effective approaches to training and testing. The FAA specifically tasked the ARC with providing recommendations on a process for ongoing stakeholder participation in developing the content of these materials, and methodologies for developing better test item bank questions.

On August 30, 2012, the ARAC accepted the FAA's assignment of a new task in response to several of the ARC's recommendations. ARAC established the ATSTWG to address the private pilot, flight instructor, and instrument rating training and testing materials by developing an integrated Airman Certification Standards (ACS) document for each one. The FAA also tasked the ATSTWG to develop a detailed proposal to realign and, as appropriate, streamline and consolidate existing FAA guidance material (e.g., handbooks) with each integrated ACS documents; and to propose methodologies to ensure that knowledge test item bank questions are consistent with both the ACS documents and the test question development principles set forth in the ARC's recommendations.

On September 30, 2013, the ARAC submitted to the FAA the ATSTWG's final report and recommendations to improve airman training and testing by establishing an integrated, holistic airman certification system that clearly aligns testing with certification standards, guidance, and reference materials, and maintains that alignment. The ATSTWG recommended specific steps the FAA should take to adopt the proposed Airman Certification System approach, and steps for its ongoing management. One of these steps is for the FAA to establish an ACSWG to assist the agency in ensuring that the content of its ACS, guidance, and knowledge testing materials is relevant and current; and to ensure that all components of the airman certification system are maintained in alignment.

### The Task

On December 2013, the ARAC discussed the proposed actions for this tasking. This notice advises the public that the FAA has assigned, and the ARAC has accepted, a new task to establish the ACSWG. The FAA has specifically tasked the ACSWG to support the FAA's goal to enhance general aviation safety and reduce the fatal general aviation accident rate by providing a means for the aviation industry to provide expert assistance and industry views to the FAA's Flight Standards Service (AFS) on the development, modification, and continued alignment of the major components of the airman certification system, which include:

1. The ACS for airman certificates and ratings (i.e. 8081-series documents);
2. Associated training guidance material (e.g., H-series handbooks);
3. Test management (e.g., test question development, test question boarding, test composition/test ''mapping,'' and CT–8080-series figures); and

4. Reference materials, to include AFS directives and Aviation Safety Inspector guidance; FAA Orders, Advisory Circulars (ACs), and other documents pertaining to the airman certification system.

The ACSWG is expected to develop a report describing its work on each of the listed elements. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

In developing this report, the ACSWG shall familiarize itself with:

1. A report to the FAA from the Airman Testing Standards and Training Aviation Rulemaking Committee: Recommendations to Enhance Airman Knowledge Test Content and Its Processes and Methodologies for Training and Testing (*www.faa.gov/aircraft/draft_docs/arc*);

2. A report from the Airman Testing Standards and Training Working Group to the Aviation Rulemaking Advisory Committee;

3. Aeronautical knowledge standards set forth in 14 CFR part 61, Certification: Pilots, Flight Instructors, and Ground Instructors;

4. Flight proficiency standards set forth in 14 CFR part 61, Certification: Pilots, Flight Instructors, and Ground Instructors;

5. FAA Airman Knowledge Test Guide (FAA–G–8082–17E);

6. Current Practical Test Standards documents for Private Pilot Airplane (FAA–S–8081–14B); Flight Instructor Airplane (FAA–S–8081–6C); and Instrument Rating for Airplane, Helicopter, and Powered Lift (FAA–S–8081–4E); and

7. Current FAA guidance materials, to include the Pilot's Handbook of Aeronautical Knowledge (FAA–H–8083–25A); the Airplane Flying Handbook (FAA–H–8083–3A); the Aviation Instructor's Handbook (FAA–H–8083–9A); the Instrument Flying Handbook (FAA–H–8083–15A); and the Instrument Procedures Handbook (FAA–H–8083–1A).

**Schedule**

The report must be forwarded to the ARAC for review and approval no later than December 31, 2015.

**ARAC Acceptance of New Task**

The ARAC has accepted the task and will assign it to the ARAC ACSWG. The ACSWG serves as staff to ARAC and assists in the analysis of the assigned new task. ARAC must review and approve the ACSWG's report. If ARAC accepts the ACSWG's written report, it will transmit it to the FAA.

**Working Group Activity**

The ACSWG must comply with the procedures adopted by ARAC. As part of the procedures, the ACSWG must:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan, for consideration at the next ARAC meeting held following publication of this notice.

2. Provide a status report at each meeting of the ARAC.

3. Draft the report and required analyses and/or any other related materials or documents.

4. Present the final report to the ARAC for review and approval.

**Participation in the ARAC Working Group**

The ACSWG will be comprised of aviation professionals with experience and expertise in airman training and testing, and technical experts having an interest in the assigned new task. The FAA would like a wide range of members, to include individuals with experience in the part 61, part 121, part 135, part 141, and part 142 communities, to ensure that all appropriate aspects of airman testing and training, including best practices, are considered in the development of its report.

If you wish to become a member of the ACSWG, please write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing such desire. Describe your interest in the new task and state the expertise you would bring to the ACSWG. We must receive all requests by February 28, 2014.

The ARAC and the FAA will review the requests and advise you whether your request is approved.

If you are chosen for membership on the ACSWG, you must actively participate by attending all meetings and providing written comments when requested to do so. You must devote the resources necessary to support the ACSWG in meeting any assigned deadlines. You must keep your management chain, and those you may represent, advised of the ACSWG's activities and decisions to ensure the proposed technical solutions do not conflict with your sponsoring organization's position, when the subject is presented to ARAC for approval. Once the ACSWG has begun deliberations, members will not be added or substituted without the approval of the FAA and the ACSWG Chair.

The Secretary of Transportation determined the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law. ARAC meetings are open to the public. However, ARAC Working Group meetings are not open to the public, except to the extent individuals with an interest and expertise are selected to attend. The FAA will make no public announcement of the Working Group's meetings.

Issued in Washington, DC, on January 24, 2014.

**Lirio Liu,**

*Designated Federal Officer, Aviation Rulemaking Advisory Committee.*

[FR Doc. 2014–01673 Filed 1–28–14; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Summary Notice No. PE–2013–60]**

### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before February 18, 2014.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2013–0885 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9

a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

*Docket:* To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Katherine L. Haley, ARM–203, Federal Aviation Administration, Office of Rulemaking, 800 Independence Ave. SW., Washington, DC 20591; email *Katherine.L.Haley@faa.gov;* (202) 493–5708.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 24, 2014.

**Lirio Liu,**

*Director, Office of Rulemaking.*

### Petition for Exemption

*Docket No.:* FAA–2013–0885.

*Petitioner:* Dillon Aero, Inc.

*Section of 14 CFR Affected:* 14 CFR 91.319(a)(2) and 91.9(a).

*Description of Relief Sought:* Petitioner requests relief from §§ 91.319 and 91.9 to enable it to use surplus military aircraft certificated in the experimental-exhibition category for specialized training for employees of the U.S. Military and other Federal Government agencies, including law enforcement.

[FR Doc. 2014–01672 Filed 1–28–14; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2010–0027]**

### Hours of Service of Drivers: RockTenn, Application for Renewal of Exemption

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

**ACTION:** Notice of application for renewal of exemption; request for comments.

**SUMMARY:** RockTenn has requested a renewal of its exemption from certain provisions of the hours-of-service (HOS) requirements for drivers of property-carrying vehicles. RockTenn currently holds an exemption for the period April 17, 2012, through April 16, 2014 for 11 shipping department employees and occasional substitute commercial driver's license (CDL) holders who transport paper mill products over a 275-foot stretch of public road between its shipping and receiving locations. RockTenn requested an exemption from the 14-hour rule and the requirement for 10 consecutive hours off duty before the start of the work day. The renewal of the exemption would allow these individuals occasionally to drive after the 14th hour after coming on duty and allow them to return to work following 8 consecutive hours off-duty. FMCSA requests public comment on the RockTenn application for exemption.

**DATES:** If granted, this exemption would be effective during the period of April 17, 2014 through April 16, 2016. Comments must be received on or before February 28, 2014.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA–2010–0027 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* In the ENTER KEYWORD OR ID box enter FMCSA–2010–0027 and click on the tab labeled SEARCH. On the ensuing page, click on any tab labeled SUBMIT A COMMENT on the extreme right of the page and a page should open that is titled ''Submit a Comment.'' You may identify yourself under section 1, ENTER INFORMATION, or you may skip section 1 and remain anonymous. You enter your comments in section 2, TYPE COMMENT & UPLOAD FILE. When you are ready to submit your comments, click on the tab labeled SUBMIT. Your comment is then submitted to the docket; and you will receive a tracking number.
- *Fax:* 1–202–493–2251.
- *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:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the *Public Participation* heading below. Note that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided. Please see the *Privacy Act* heading below.

*Docket:* For access to the docket to read background documents or comments received, go to *www.regulations.gov* at any time, and in the ENTER KEYWORD OR ID box enter FMCSA–2010–0027 and click on the tab labeled SEARCH.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the U.S. Department of Transportation's online privacy policy at *www.dot.gov/privacy* or the complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316).

*Public Participation:* The *www.regulations.gov* Web site is generally available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the *www.regulations.gov* Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, Telephone: 202–366–4325. Email: *MCPSD@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

### RockTenn Application for Exemption

The HOS rules in 49 CFR 395.3(a)(1) and (a)(2) prohibit a property-carrying CMV driver from driving a CMV after the 14th hour after coming on duty following 10 consecutive hours off duty. Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the HOS requirements for a maximum 2-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The procedures for requesting an exemption (including renewals) are prescribed in 49 CFR part 381.

RockTenn (USDOT 153734) operates a paper mill located in Chattanooga, Tennessee, its principal place of business. Its shipping and receiving departments are on opposite sides of the paper mill, requiring driver/employees to travel on a public road to shuttle trailers as needed. These drivers utilize this public road—Compress Street—an average of forty times per day to go from their shipping to receiving department and to load their trailers in the shipping department. These drivers do not transport any material farther than the paper mill lots and/or Compress Street. The distance traveled on Compress Street is approximately 275 feet in one direction, and one tractor is used to perform this work. Because the material being transported is received from or destined for other States, the local travel is interstate in nature.

The initial RockTenn exemption application for relief from the HOS rule was submitted in 2009; a copy of the application is in the docket. That application fully described the nature of shipping operations encountered by CMV drivers employed by RockTenn.

RockTenn's shipping department currently works 12-hour shifts for 4 days, and then allows employees 4 days off duty. The schedule is subject to change. Usually there are two shipping department employees on each shift. One employee drives a fork-lift truck loading trailers with finished goods, and the other operates the tractor shuttling trailers. These employees do not drive a CMV continuously during their shift(s).

At times, RockTenn may operate on three 8-hour shifts with employees working a double (16-hour) shift when ''rotating back.'' According to RockTenn, the problem arises because of the double-shift, and also on occasion when a shipping department driver does not report for work as scheduled. On a Monday, for example, if an individual worked the weekend, his or her shift would normally have to ''hurry back'' within 8 hours. As a result of the mandatory 10 hours off-duty requirement for drivers, without the exemption RockTenn would be required to schedule these drivers' shifts to start later than other employees. This would create at least 2 hours when the company cannot load or transport trailers with finished goods due to the absence of the drivers. Furthermore, as a result of the 14-hour driving windows, they would ''work short'' without the exemption, creating on-time delivery issues for other employees, who are allowed to work an entire ''double shift'' (16 hours) when necessary.

RockTenn requested a limited exemption from 49 CFR part 395 for its shipping department CMV drivers, as well as others with a valid CDL who on occasion must substitute, allowing all such drivers to drive as late as the 16th hour since coming on duty and return to work with a minimum of at least 8 hours off duty. If exempt from the normal HOS requirements, these employees could follow the same work schedule as other RockTenn employees on their shift, and would be able to work for the full 16 hours of a ''double shift.'' RockTenn could therefore minimize the chances of delayed shipments that might occur if their drivers were not allowed to work the same schedule as other employees.

RockTenn acknowledged in its application that these drivers would still be subject to all of the other FMCSRs, including possessing a CDL, random drug testing, medical certification, and other driver-qualification requirements.

A copy of RockTenn's application for exemption renewal is available for review in the docket for this notice.

**Terms of the Exemption**

*Period of the Exemption*

The requested exemption is proposed to be effective April 17, 2014, through 11:59 p.m. on April 16, 2016, for drivers employed by RockTenn operating CMVs on Compress Street in Chattanooga, Tennessee, between the company's shipping and receiving departments.

*Extent of the Exemption*

The exemption would be restricted to drivers employed by RockTenn operating CMVs on the route specified above. This exemption would be strictly limited to the provisions of 49 CFR 395.3(a)(1), referring to a required minimum of 10 hours off duty before the start of a duty period, and 395.3(a)(2), commonly referred to as the ''14-hour rule.'' When operationally necessary, drivers would be allowed up to a 16-hour duty period and no fewer than 8 hours off duty prior to the duty period.

*Preemption*

During the period this exemption would be in effect, no State would be allowed to enforce any law or regulation that conflicted with or was inconsistent with this exemption with respect to a firm or person operating under the exemption (49 U.S.C. 31315(d)).

*Notification to FMCSA*

RockTenn would be required to notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification would be required to include the following information:

a. Date of the accident,

b. City or town, and State, in which the accident occurred, or closest to the accident scene,

c. Driver's name and driver's license number,

d. Vehicle number and state license number,

e. Number of individuals suffering physical injury,

f. Number of fatalities,

g. The police-reported cause of the accident,

h. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and

i. The total driving time and total on-duty time period prior to the accident.

Reports filed under this provision would be emailed to *MCPSD@DOT.GOV*.

*Termination*

The FMCSA does not believe the drivers covered by this exemption, if granted, would experience any deterioration of their safety record. However, should this occur, FMCSA would take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA would immediately revoke the exemption for failure to comply with its terms and conditions.

Issued on: January 10, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2014–01695 Filed 1–28–14; 8:45 am]

BILLING CODE 4910–EX–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2013–0170]**

### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 43 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in

one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

**DATES:** The exemptions are effective January 29, 2014. The exemptions expire on January 29, 2016.

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or 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., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgement that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

## Background

On November 12, 2013, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (78 FR 67454). That notice listed 43 applicants' case histories. The 43 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 43 applications on their merits and made a determination to grant exemptions to each of them.

## Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing requirement red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 43 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including refractive amblyopia, central retinal vein occlusion, retinal detachment, ocular histoplasmosis, amblyopia, prosthetic eye, aphakia, corneal scarring, macular hole, complete loss of vision, macular degeneration, anisometropic amblyopia, retinal damage, retinal hole, optic nerve staphyloma, longstanding peripheral retinal degeneration, wet macular degeneration, and enucleated eye. In most cases, their eye conditions were not recently developed. Thirty-one of the applicants were either born with their vision impairments or have had them since childhood.

The twelve individuals that sustained their vision conditions as adults have had it for a period of 3 to 34 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 43 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision of careers ranging from 3 to 52 years. In the past 3 years, three of the drivers were involved in crashes and three were convicted for moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the November 12, 2013 notice (78 FR 67454).

## Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the

studies may be found at Docket Number FMCSA–1998–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 43 applicants, three of the drivers were involved in crashes and three were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 43 applicants listed in the notice of November 12, 2013 (78 FR 67454).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 43 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

**Discussion of Comments**

FMCSA received one comment in this proceeding. The comment is discussed below.

An anonymous commenter suggested that visually-impaired drivers take a road test at their licensing bureau on a periodic basis to determine their continued ability to drive commercially.

**Conclusion**

Based upon its evaluation of the 43 exemption applications, FMCSA exempts Dennis S. Anderson (MN), Calvin J. Barbour (NY), Martin D. Bellcour (WI), Walter A. Breeze (OH), Joseph A. Burdey (NJ), Donald G. Carstensen (IA), Jamie D. Daniels (IA), James A. Esposito, Jr. (PA), Mark A. Farnsley (IN), Michael L. Fiamingo (PA), Kenric J. Fields (DE), Chris L. Granby (MI), Dustin K. Heimbach (PA), Randall Hjelmtveit (MN), Robert W. Horner (OH), Abdelhamid S. Jaafreh (OH), Leonard R. Jackson (IN), Randy G. Kinney (IL), Ronnie R. Lockamy (NC), Hector Marquez (TX), Leonard A. Martin (NV), Dennis R. Martinez (NM), Jeffrey D. McGill (IL), Fred A. Miller, Jr. (CA), Joseph K. Parley (WI), Robert L. Pearson (GA), Andres Regalado (CA), Riland O. Richardson (FL), Thenon D. Ridley (TX), Ryan R. Ross (SC), Troy M. Ruhlman (PA), Ricky E. Rumfield (TX), Ermanno M. Santucci (IL), Dennis M. Schwartzentruber (OH), Tigran Semerjyan (CA), Roger H. Sick (NY), Martina B. Talbott (IA), Kirk A. Thelen (MI), Nicholas J. Vance (OH), Hershel D. Volentine (LA), Gary D. Vollersten (CO), David R. Webb, Jr. (IL), and Wesley A. Willis (NJ) from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: January 10, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2014–01693 Filed 1–28–14; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2012–0081]**

### Qualification of Drivers; Application for Exemption; Implantable Cardioverter Defibrillator

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

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA has received applications from three individuals with implantable cardioverter defibrillators (ICDs) for an exemption from the cardiovascular disease standard in the Federal Motor Carrier Safety Regulations (FMCSRs). The Agency's current advisory criteria for the applicable FMCSR recommends that CMV drivers with ICDs should not be qualified due to the likelihood of causing a loss of ability to operate a commercial motor vehicle (CMV) safely. If granted, an exemption would allow these individuals with ICDs to operate a CMV in interstate commerce.

**DATES:** Comments must be received on or before February 28, 2014.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2012–0081 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line 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:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

*Instructions:* Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below for further information.

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or 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 FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316).

**FOR FURTHER INFORMATION CONTACT:** Charles Horan, Director, Office of Carrier, Driver, and Vehicle Safety Standards (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–(306), Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## Background

FMCSA has the authority to grant exemptions from the FMCSRs; pursuant to 49 U.S.C. 31315 and 31136(e) as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA- 21) [Pub. L. 105–178, June 9, 1998, 112 Stat. 107, 401]. On August 20, 2004, FMCSA published a final rule implementing the changes made by section 4007 (69 FR 51589). The current regulations require FMCSA to publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request (49 CFR 381.315(a)).

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the Agency decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. If granted, the exemption may be renewed (49 CFR 381.315(c) and 381.300(b)).

The three individuals included in this notice have each requested an exemption from the provisions of 49 CFR 391.41(b)(4), which applies to drivers who operate CMVs in interstate commerce, as defined in 49 CFR 390.5. Section 391.41(b)(4) states that:

> ''. . . a person is physically qualified to drive a commercial motor vehicle if that person has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (temporary loss of consciousness due to a sudden decline in blood flow to the brain), dyspnea (shortness of breath), collapse, or congestive cardiac failure.''

The FMCSA provides medical advisory criteria as recommendations for use by medical examiners in determining whether drivers with certain medical conditions, procedures, and/or treatments should be certified to operate CMVs in interstate commerce in accordance with the various physical qualification standards in 49 CFR part 391, subpart E. The advisory criteria are currently set out as part of the medical examination report published with 49 CFR 391.43. The advisory criteria for section 391.41(b)(4) provide that:

> The term ''has no current clinical diagnosis of'' is specifically designed to encompass: *''a clinical diagnosis of''* (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized regardless of the time limit. The term *''known to be accompanied by''* is designed to include a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse, or congestive cardiac failure. It is the intent of the FMCSRs to render unqualified, a driver who has a current cardiovascular disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or

congestive cardiac failure. However, the subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier.

In the case of persons with ICDs, the underlying condition for which the ICD was implanted may place the driver at risk for syncope (a transient loss of consciousness) or other gradual or sudden incapacitation that may result in loss of ability to safely control a CMV. When an ICD deploys, the driver experiences a loss of ability to safely control a CMV. See the conference report on Cardiovascular Advisory Panel Guidelines for Medical Examination of Commercial Motor vehicle Drivers at 94–95 (2002).[1]

**Individual Applications for Exemption—Qualifications**

*James Dean*

Mr. Dean is a 53 year old CMV driver who holds a class A and a class D commercial driver's license (CDL) from the State of Wisconsin. He has driven a CMV for over 29 years. Mr. Dean had an ICD placed due to ventricular tachycardia and a low ejection fraction which improved. The device deployed in 2011. Mr. Dean would like to continue to drive a truck in interstate commerce.

*Mark Steiner*

Mr. Steiner is a 64 year old CMV driver who holds a class A CDL from the state of Ohio. He has driven a CMV for 38 years. Mr. Steiner had angioplasty and stent placement after he had a heart attack while driving (first cardiac event in his life) in January 2012. The ICD was placed preventively in November 2012 after he completed cardiac rehabilitation. The device has not deployed. Mr. Steiner would like to continue to drive a truck in interstate commerce.

*Craig Bohms*

Mr. Bohms is a 57 year old owner operator of a CMV who holds a class A commercial driver's license (CDL) from the State of Illinois. According to Mr. Bohms, following a heart attack in April 2013 he was implanted with an ICD. In an August 2013 letter that was submitted by Mr. Bohms electrophysiologist (EP) physician, he stated ''Mr. Bohms was implanted with an ICD as a preventative measure to protect him from possible ventricular tachycardia . . . from an EP standpoint, Mr. Bohms is able to drive and return to work without restrictions''. Mr. Bohms would like to continue to drive a truck in interstate commerce.

**Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it makes a finding that the exemption ''would likely achieve a level of safety that is equivalent to or greater than that would be achieved absent such an exemption.'' FMCSA requests public comment from all interested persons on the exemption application described in this notice. In accordance with 49 U.S.C. 31315(b)(4), and 49 CFR 381.315(b) and (d), the safety analysis or assessment, and other supporting information is available for examination and review. The Agency will consider all comments received before the close of business February 28, 2014. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: January 10, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2014–01691 Filed 1–28–14; 8:45 am]

**BILLING CODE 4910–EX–P**

[1] Now available at *http://www.fmcsa.dot.gov/documents/cardio.pdf* (retrieved July 22, 2013).

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[FMCSA Docket No. FMCSA–2013–0191]**

### Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 39 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions are effective January 29, 2014. The exemptions expire on January 29, 2016.

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or 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., Monday through Friday, except Federal holidays.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

**Background**

On November 13, 2013, FMCSA published a notice of receipt of Federal diabetes exemption applications from 39 individuals and requested comments from the public (78 FR 68139). The public comment period closed on December 13, 2013, and no comments were received.

FMCSA has evaluated the eligibility of the 39 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

**Diabetes Mellitus and Driving Experience of the Applicants**

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of

diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 39 applicants have had ITDM over a range of 1 to 44 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the November 13, 2013, **Federal Register** notice and they will not be repeated in this notice.

**Discussion of Comments**

FMCSA received no comments in this proceeding.

**Basis for Exemption Determination**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

**Conditions and Requirements**

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

**Conclusion**

Based upon its evaluation of the 39 exemption applications, FMCSA exempts Ryan P. Abrahamsen (NY), Dylan J. Bryan (IL), Robert A. Collins (NJ), Fred J. Combs (OH), Edward DeFrancesco (CT), Terrance J. Dusharm (MN), Jonathan W. Eggers (MN), John L. Eversole (WY), Gilbert N. Fugate (IN), Scott C. Garbial (ME), Charles D. Grant (GA), William F. Hamann (KY), Dallis L. Hollon (KS), James H. Howard, Jr. (FL), Harry R. Jaycox (IN), Jerry J. Klosterman (OH), Joseph E. Kolb (NY), Matthew D. Lee (VA), Craig A. Lemponen (OH), Matthew P. Ludwig (NY), Gerry A. Lutz (IA), Joel S. Malone (LA), Keith B. Masters (NH), Eli J. Meekhoff (MI), Arthur S. Miller (TN), Jeffrey A. Olson (IA), Marvin H. Patterson, III (SC), Brandon C. Rhinehart (MD), Thomas L. Rice (TN), Ismael Romero (NJ), Timothy J. Sebald (IN), Erick D. Selgren (CO), Donald R. Sine, Jr. (IN), Dennis E. Taunton (ID), Phillip A. Trent (VA), Robert P. Trofa, II (PA), Deborah D. Watson (MI), Ronnie C. Webb (MT), and Allan D. Wesley (WI) from the ITDM requirement in 49 CFR 391.41(b)(3), subject to the conditions listed under ''Conditions and Requirements'' above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: January 10, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2014–01694 Filed 1–28–14; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

**[FTA Docket No. FTA–2014–0004]**

### Agency Information Collection Activity Under OMB Review

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of request for comments.

**SUMMARY:** The Federal Transit Administration invites public comment about our intention to request the Office of Management and Budget's (OMB) approval to renew the following information collections:

**Pre-Award, Post-Delivery Audit Requirements Under Buy America Metropolitan and Statewide and Nonmetropolitan Transportation Planning**

The information collected is necessary to determine eligibility of applicants and ensure the proper and timely expenditure of federal funds within the scope of each program. The **Federal Register** notice with a 60-day comment period soliciting comments for the Pre-Award, Post-Delivery Audit Requirements Under Buy America was published on November 8, 2013 (Citation 78 FR 217). No comments were received from that notice. The **Federal Register** notice with a 60-day comment period soliciting comments for the Metropolitan and Statewide and

Nonmetropolitan Transportation Planning was published on November 22, 2013 (Citation 78 FR 226). No comments were received from that notice.

**DATES:** Comments must be submitted before February 28, 2014. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**FOR FURTHER INFORMATION CONTACT:** Tia Swain, Office of Administration, Office of Management Planning, (202) 366–0354.

**SUPPLEMENTARY INFORMATION:**

*Title:* Pre-Award, Post-Delivery Audit Requirements Under Buy America (*OMB Number: 2132–0544.*)

*Abstract:* Federal Transit Laws, 49 U.S.C. 5323(j) and (m), require that recipients of Federal Transit Administration (FTA) funding comply with certain requirements, including Buy America, certify compliance of these requirements at the pre-award and post-delivery stages of the procurement process when using FTA funds and maintain on file certifications. Bidders or offerors must submit certificates to assure compliance with Buy America, the purchaser's contract specifications (for rolling stock only), and Federal motor vehicle safety requirements (for rolling stock only). The information collected on the certification forms is necessary for FTA recipients to meet the requirements of 49 U.S.C. Section 5323(j) and (m). In addition, FTA recipients are required to certify, as part of their annual Certifications and Assurances, that they will comply with pre-award and post-delivery audit requirements for rolling stock under 49 CFR Part 661.

*Estimated Total Annual Burden:* 2,786 hours.

*Title:* Metropolitan and Statewide and Nonmetropolitan Transportation Planning (*OMB Number: 2132–0529.*)

*Abstract:* The FTA and Federal Highway Administration (FHWA) jointly carry out the federal mandate to improve urban and rural transportation. 49 U.S.C. 5303 and 5304 and 23 U.S.C. 134 and 135 authorize the use of federal funds to assist Metropolitan Planning Organizations (MPOs), States, and local public bodies in developing transportation plans and programs to serve the transportation needs of urbanized areas over 50,000 in population and other areas of States outside of urbanized areas. The information collection activities involved in developing the Unified Planning Work Program (UPWP), the Metropolitan Transportation Plan, the Long-Range Statewide Transportation Plan, the Transportation Improvement Program (TIP), and the Statewide Transportation Improvement Program (STIP) are necessary to identify and evaluate the transportation issues and needs in each urbanized area and throughout every State. These products of the transportation planning process are essential elements in the reasonable planning and programming of federally funded transportation investments.

In addition to serving as a management tool for MPOs, the UPWP is used by both FTA and FHWA to monitor the transportation planning activities of MPOs. It also is needed to establish national out year budgets and regional program plans, develop policy on using funds, monitor State and local compliance with technical emphasis areas, respond to Congressional inquiries, prepare Congressional testimony, and ensure efficiency in the use and expenditure of Federal funds by determining that planning proposals are both reasonable and cost-effective. 49 U.S.C. 5303 and 23 U.S.C.134(j) require the development of TIPs for urbanized areas; STIPs are mandated by 49 U.S.C. 5304 and 23 U.S.C. 135(g) for an entire State. After approval by the Governor and MPO, metropolitan TIPs in attainment areas are to be incorporated directly into the STIP. For nonattainment areas, FTA/FHWA must make a conformity finding on the TIPs before including them in the STIP. The complete STIP is then jointly reviewed and approved or disapproved by FTA and FHWA. These conformity findings and approval actions constitute the determination that States are complying with the requirements of 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304 as a condition of eligibility for federal-aid funding. Without these documents, approvals and findings, FTA and FHWA cannot provide capital and/or operating assistance.

The FTA and FHWA updated their method for estimating the annual burden hours of the transportation planning programs on respondents. The FTA and FHWA surveyed a sample of MPO annual work programs to identify annual planning compliance burdens associated with the preparation of TIPS, STIPs and plans. The FTA and FHWA are using the information from this sample as the basis to estimate the annual compliance burden for both this request for revision of the currently approved information collection, as well as for a forthcoming Notice of Proposed Rulemaking that FTA and FHWA will issue to implement changes to the metropolitan and statewide and nonmetropolitan transportation planning programs as a result of the Moving Ahead for Progress in the 21st Century Act, Public Law 112–141 (2012).

*Estimated Total Annual Burden:* 3,783,814 hours.

**ADDRESSES:** All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725—17th Street NW., Washington, DC 20503, Attention: FTA Desk Officer.

*Comments Are Invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

**Matthew M. Crouch,**

*Associate Administrator for Administration.*

[FR Doc. 2014–01651 Filed 1–28–14; 8:45 am]

BILLING CODE P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA–2014–0005]**

### Pipeline Safety: Information Collection Activities

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on certain information collections that will be expiring in summer of 2014. PHMSA will request an extension with no change for the information collections identified by the Office of Management and Budget (OMB) control numbers 2137–0578, 2137–0584, and 2137–0601. In addition, PHMSA will request a revision to the information collection identified under OMB control number 2137–0618 to include the information currently collected under OMB control number 2137–0601.

**DATES:** Interested persons are invited to submit comments on or before March 31, 2014.

**ADDRESSES:** Comments may be submitted in the following ways:

*E-Gov Web site: http://www.regulations.gov*. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

*Fax:* 1–202–493–2251.

*Mail:* Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.

*Hand Delivery:* Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* Identify the docket number, PHMSA–2014–0005, at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or visit *http://www.regulations.gov* before submitting any such comments.

*Docket:* For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2014–0005.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

**FOR FURTHER INFORMATION CONTACT:** Angela Dow by telephone at 202–366–1246, by fax at 202–366–4566, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

**SUPPLEMENTARY INFORMATION:** Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies several information collection requests that PHMSA will submit to OMB for renewal. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a three-year term of approval for each information collection activity. PHMSA requests comments on the following information collections:

*1. Title:* Reporting Safety-Related Conditions on Gas, Hazardous Liquid, and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities.

*OMB Control Number:* 2137–0578.

*Current Expiration Date:* 5/31/2014.

*Type of Request:* Renewal of a currently approved information collection.

*Abstract:* Each operator of a pipeline facility (except master meter operators) must submit to DOT a written report on any safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility or a condition that is a hazard to life, property or the environment.

*Affected Public:* Operators of pipeline facilities (except master meter operators).

*Annual Reporting and Recordkeeping Burden:*

*Estimated number of responses:* 142.

*Estimated annual burden hours:* 852.

*Frequency of collection:* On occasion.

*2. Title:* Gas Pipeline Safety Program Certification and Hazardous Liquid Pipeline Safety Program Certification.

*OMB Control Number:* 2137–0584.

*Current Expiration Date:* 7/31/2014.

*Type of Request:* Renewal of a currently approved information collection.

*Abstract:* A state must submit an annual certification to assume responsibility for regulating intrastate pipelines and certain records must be maintained to demonstrate that the state is ensuring satisfactory compliance with the pipeline safety regulations. PHMSA uses that information to evaluate a state's eligibility for Federal grants.

*Affected Public:* State and local governments.

*Annual Reporting and Recordkeeping Burden:*

*Estimated number of responses:* 67.

*Estimated annual burden hours:* 3,920.

*Frequency of Collection:* Annually.

*3. Title:* Pipeline Safety: Report of Abandoned Underwater Pipelines.

*OMB Control Number:* 2137–0601.

*Current Expiration Date:* 5/31/2014.

*Type of Request:* Renewal of a currently approved information collection.

*Abstract:* Upon abandonment of a facility, pipeline operators are required to report certain information about the abandoned underwater pipelines to PHMSA (49 CFR 195.59 and 192.727). The information aids Federal and state pipeline safety inspectors in conducting compliance inspections and investigating incidents.

*Affected Public:* Operators of underwater pipelines.

*Annual Reporting and Recordkeeping Burden:*

*Estimated number of responses:* 10.

*Estimated annual burden hours:* 60.

*Frequency of collection:* Upon abandonment of affected facility.

*4. Title:* Pipeline Safety: Periodic Underwater Inspections.

*OMB Control Number:* 2137–0618.

*Current Expiration Date:* 6/30/2014.

*Type of Request:* Revision of a currently approved information collection.

*Abstract:* The Federal pipeline safety regulations (49 CFR Parts 190–199) require operators to conduct underwater inspections in the Gulf of Mexico. If an operator finds that its pipeline is exposed on the seabed floor or constitutes a hazard to navigation, the operator must contact the National Response Center by telephone within 24 hours of discovery to report the location of the exposed pipeline. This package is being revised to include the collection of information currently under 2137–0601 which requires operators to report certain information about abandoned underwater pipelines to PHMSA (49 CFR 192.727 and 195.59). This information aids Federal and state pipeline safety inspectors in conducting compliance inspections and investigating incidents. Once this revised information collection is approved, PHMSA will discontinue the collection identified under OMB control number 2137–0601.

*Affected Public:* Operators of underwater pipeline facilities.

*Estimated number of responses:* 92.

*Estimated annual burden hours:* 1,372.

*Frequency of collection:* On occasion.

Comments are invited on:

(a) The need for the renewal and revision of these collections of information for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on January 23, 2014, under authority delegated in 49 CFR 1.97.

**John A. Gale,**

*Director, Office of Standards and Rulemaking.*

[FR Doc. 2014–01671 Filed 1–28–14; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[Docket No. FD 35752]**

### Grafton & Upton Railroad Company—Petition for Declaratory Order

Grafton & Upton Railroad Company (G&U) filed a petition for a declaratory order on July 24, 2013, requesting a finding that 49 U.S.C. 10501(b) preempts certain state and local permitting and preclearance statutes and regulations that the Town of Grafton, Mass. (Grafton or the Town) seeks to enforce in connection with G&U's construction and operation of a liquefied petroleum gas (propane) transload facility on a five-acre parcel (the Parcel) that G&U owns in North Grafton. G&U states that it intends to use the facility to transfer propane received by tank car in North Grafton to storage tanks and then to trucks for delivery to propane dealers in New England. Pending the completion of the construction, G&U intends to use portable equipment to transload the propane. For the reasons discussed below, a declaratory order proceeding will be instituted and a procedural schedule will be adopted.

The Parcel is located immediately adjacent to G&U's line and existing rail yard.[1] In December 2012, G&U notified the Town that four propane storage tanks were about to be delivered to its rail yard. The Town responded by issuing a cease and desist order to halt construction and by filing a complaint in the Superior Court for Worcester County, Mass. (Court), arguing that construction of the transload facility would be illegal and would violate the Town's zoning bylaws. These actions ultimately resulted in the Court entering two orders on June 12, 2013, which: (1) Enjoined the delivery of the storage tanks; (2) directed G&U to comply with the cease and desist order; (3) stayed the Court proceedings pending a determination by the Board concerning the applicability of 10501(b); and (4) referred the preemption issue to the Board, directing G&U to file a petition for declaratory order.

In the petition, G&U requests that the Board find that Grafton is preempted from enforcing state and local permitting and preclearance statutes and regulations in connection with both the construction and operation of the transload facility and the interim use of portable transload equipment. Grafton, in a reply filed on August 19, 2013, agrees that the Board should institute a declaratory order proceeding here. It questions whether G&U can and will finance, complete, and operate the transload facility on its own in view of certain agreements G&U had previously entered into with a number of propane companies. The Town argues that a full investigation should be conducted to prevent what it characterizes as an abuse of the preemption doctrine.[2] On September 9, 2013, G&U filed a motion for leave to supplement its petition and a supplement containing copies of the various agreements documenting the termination of its arrangements with these propane companies. Grafton filed a reply in opposition on September 17, 2013.

The Board has discretionary authority under 5 U.S.C. 554(e) and 49 U.S.C. 721 to issue a declaratory order to eliminate a controversy or remove uncertainty. Here, a controversy exists as to whether G&U would be the financier, owner, and operator of the proposed transload facility and whether the Town's enforcement of state and local permitting and preclearance statutes and regulations in connection with the facility is preempted under 10501(b). The Board will therefore institute a declaratory order proceeding and consider the matter under the modified procedure rules at 49 CFR part 1112.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. A declaratory order proceeding is instituted.

2. G&U is directed to submit additional information and argument by February 28, 2014. Grafton's reply and comments from other interested persons are due by March 20, 2014.

3. This decision is effective on its service date.

Decided: January 24, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Derrick A. Gardner,**

*Clearance Clerk.*

[FR Doc. 2014–01732 Filed 1–28–14; 8:45 am]

**BILLING CODE 4915–01–P**

[1] In a separate decision also served today, the Board issued a declaratory order holding that preclearance regulations and other requirements of the Town of Grafton, Mass., that would prohibit or unreasonably interfere with the construction and operation of an additional rail yard and storage tracks also on the Parcel are preempted by federal law. *See Grafton & Upton Railroad—Pet. for Declaratory Order,* FD 35779 (served Jan. 27, 2014).

[2] The American Short Line and Regional Railroad Association filed a letter in support of the petition on August 12, 2013. On August 23, 2013, the Massachusetts Department of Fire Services filed a reply in support of the petition, and the Massachusetts Department of Environmental Protection filed a reply in opposition, contending that the petition is moot as a result of a settlement it negotiated with G&U.

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

January 23, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before February 28, 2014 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania

Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

**Internal Revenue Service (IRS)**

*OMB Number:* 1545–NEW.

*Type of Review:* New collection.

*Title:* Declaration and Signature for Electronic Filing of Forms 8947 and 8963.

*Form:* 8453–R.

*Abstract:* This is a new form established under Section 9010 of the Patient Protection and Affordable Care Act (PPACA), Public Law 111–148 (124 Stat. 119 (2010)), as amended by section 10905 of PPACA, and as further amended by section 1406 of the Health Care and Education Reconciliation Act of 2010, Public Law 111–152 (124 Stat. 1029 (2010)), which requires that any covered entity engaged in the business of providing health insurance related to United States health risks must annually report its net premiums written. The purpose of the Form 8453–R to authenticate the electronic filing of Form 8947, Report of Branded Prescription Drug Information, and Form 8963, Report of Health Insurance Provider Information.

*Affected Public:* Private Sector: Businesses or other for-profits, Farms, Not-for-profit institutions.

*Estimated Annual Burden Hours:* 4,131.

*OMB Number:* 1545–2249.

*Type of Review:* Revision of a currently approved collection.

*Title:* Health Insurance Providers Fee.

*Form:* 8963.

*Abstract:* The Affordable Care Act imposes an annual fee on health insurance providers that provide health insurance for United States health risks (a covered entity). Rules which implement the Affordable Care Act, describe how the IRS will administer the health insurance providers fee. Recordkeeping requirements prescribed in § 57.2(e)(2) that each member of a controlled group are to maintain records of consent to the controlled group's selection of the designated entity. Reporting requirements through Form 8963, ''Report of Health Insurance Provider Information,'' is used report net premiums written for health insurance of United States health risks. The information reported will be used by the IRS to calculate the annual fee on health insurance providers.

*Affected Public:* Private Sector: Businesses or other for-profits, Farms, Not-for-profit institutions.

*Estimated Annual Burden Hours:* 17,808.

**Dawn D. Wolfgang,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2014–01638 Filed 1–28–14; 8:45 am]

**BILLING CODE 4830–01–P**

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## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

### Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Record and Disclosure Requirements

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of an information collection titled, ''Record and Disclosure Requirements—Consumer Financial Protection Bureau Regulations B, C, E, M, Z, and DD and Board of Governors of the Federal Reserve System Regulation CC.'' The OCC is also giving notice that it is sending the collection to OMB for review.

**DATES:** Comments must be submitted on or before February 28, 2014.

**ADDRESSES:** Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0176, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

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

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0176, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira_submission@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** You may request additional information or a copy of the collection and supporting documentation submitted to OMB by contacting: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. The OCC is seeking renewal from OMB of the following collection:

*Title:* Record and Disclosure Requirements—Consumer Financial Protection Bureau (CFPB) Regulations B, C, E, M, Z, and DD and Board of Governors of the Federal Reserve System (FRB) Regulation CC.

*OMB Control No.:* 1557–0176.

*Type of Review:* Regular review.

*Abstract:* This information collection covers CFPB Regulations B, C, E, M, Z, and DD and FRB Regulation CC. The CFPB and FRB Regulations include the following provisions:

**Reg B–12 CFR 1002—Equal Credit Opportunity**

This regulation prohibits lenders from discriminating against credit applicants, establishes guidelines for gathering and evaluating information about personal characteristics in applications for certain dwelling-related loans, requires lenders to provide applicants with copies of appraisal reports in connection with credit transactions, and requires written notification of action taken on a credit application.

**Reg C–12 CFR 1003—Home Mortgage Disclosure**

This regulation requires certain mortgage lenders to report certain home loan application information and to disclose certain data regarding their home mortgage lending.

**Reg E–12 CFR 1005—Electronic Fund Transfers**

This regulation establishes the rights, liabilities, and responsibilities of parties in electronic fund transfers and offers protections to consumers when they use such systems.

**Reg M–12 CFR 1013—Consumer Leasing**

This regulation implements the consumer leasing provisions of the Truth in Lending Act by requiring meaningful disclosure of leasing terms.

**Reg Z–12 CFR 1026—Truth in Lending**

This regulation prescribes uniform methods for computing the cost of credit, disclosing credit terms and costs, and resolving errors on certain types of credit accounts.

**Reg CC–12 CFR 1029—Availability of Funds and Collection of Checks**

This regulation establishes timeframes to govern the availability of funds deposited in checking accounts, rules to govern the collection and return of checks, and general provisions to govern the use of substitute checks.

**Reg DD–12 CFR 1030—Truth in Savings**

This regulation requires depository institutions to provide disclosures sufficient to enable consumers to make informed comparisons about accounts at depository institutions.

*Affected Public:* Businesses or other for-profit.

*Burden Estimates:*

*Estimated Number of Respondents:* 1,700.

*Estimated Annual Burden:* 4,756,910 hours.

*Frequency of Response:* On occasion.

*Comments:* This collection was published for 60 days of comment on November 13, 2013 (78 FR 68150). No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 17, 2014.

**Stuart E. Feldstein,**

*Director, Legislative and Regulatory Activities Division.*

[FR Doc. 2014–01365 Filed 1–28–14; 8:45 am]

BILLING CODE 4810–33–P

## DEPARTMENT OF THE TREASURY

### Request for Citizens Coinage Advisory Committee Membership Applications

**AGENCY:** United States Mint

**ACTION:** Request for Citizens Coinage Advisory Committee Membership Applications.

**SUMMARY:** Pursuant to United States Code, Title 31, section 5135 (b), the United States Mint is accepting applications for membership to the Citizens Coinage Advisory Committee (CCAC) for a new member specially qualified to serve on the CCAC by virtue of his or her education, training, or experience in American history. The CCAC was established to:

- Advise the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals produced by the United States Mint.
- Advise the Secretary of the Treasury with regard to the events, persons, or places that the CCAC recommends to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Make recommendations with respect to the mintage level for any commemorative coin recommended.

Total membership consists of 11 voting members appointed by the Secretary of the Treasury:

- One person specially qualified by virtue of his or her education, training or experience as a nationally or internationally recognized curator in the United States of a numismatic collection;
- One person specially qualified by virtue of his or her experience in the medallic arts or sculpture;
- One person specially qualified by virtue of his or her education, training, or experience in American history;
- One person specially qualified by virtue of his or her education, training, or experience in numismatics;
- Three persons who can represent the interests of the general public in the coinage of the United States; and
- Four persons appointed by the Secretary of the Treasury on the basis of the recommendations by the U.S. House and Senate leadership.

Members are appointed for a term of four years. No individual may be appointed to the CCAC while serving as an officer or employee of the Federal Government.

The CCAC is subject to the direction of the Secretary of the Treasury. Meetings of the CCAC are open to the public and are held approximately six to eight times per year. The United States Mint is responsible for providing the necessary support, technical services, and advice to the CCAC. CCAC members are not paid for their time or services, but, consistent with Federal Travel Regulations, members are reimbursed for their travel and lodging expenses to attend meetings. Members are Special Government Employees and are subject to the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635).

The United States Mint will review all submissions and will forward its recommendations to the Secretary of the Treasury for appointment consideration. Candidates should include specific skills, abilities, talents, and credentials to support their applications. The United States Mint is also interested in candidates who have demonstrated leadership skills, have received recognition by their peers in their field of interest, have a record of participation in public service or activities, and are willing to commit the time and effort to participate in the CCAC meetings and related activities.

*Application Deadline:* March 28, 2014.

*Receipt of Applications:* Any member of the public wishing to be considered for this participation on the CCAC should submit a resume and cover letter describing qualifications for membership, by fax to 202–756–6525, or by mail to the United States Mint, 801 9th Street NW., Washington, DC 20001, Attn: Greg Weinman. Submissions must specify the candidate's qualification in American history, and must be postmarked no later than March 28, 2014.

Notice Concerning Delivery of First-Class and Priority Mail:

First-class mail to the United States Mint is put through an irradiation process to protect against biological contamination. Support materials put through this process may suffer irreversible damage. We encourage you to consider using alternate delivery services, especially when sending time-sensitive material.

**FOR FURTHER INFORMATION CONTACT:** William Norton, United States Mint Liaison to the CCAC; 801 Ninth Street NW.; Washington, DC 20220; or call 202–354–7458.

Dated: January 23, 2014.

**Richard A. Peterson,**

*Deputy Director, United States Mint.*

[FR Doc. 2014–01612 Filed 1–28–14; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0029]**

### Proposed Information Collection (Offer To Purchase and Contract of Sale) 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 extension without change of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to acquire VA property.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before March 31, 2014.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0029'' 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) 632–8924.

**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.

*Titles:*

a. Offer To Purchase and Contract of Sale, VA Form 26–6705.

b. Credit Statement of Prospective Purchaser, VA Form 26–6705b.

c. Addendum to Offer to Purchase and Contract of Sale, VA Form 26–6705d.

*OMB Control Number:* 2900–0029.

*Type of Review:* Extension without change of a currently approved collection.

*Abstracts:*

a. VA Form 26–6705 is completed by private sector sales broker to submit an offer to purchase VA-acquired property on behalf of a prospective buyer. VA Form 26–6705 becomes a contract of sale if VA accepts the offer to purchase. It serves as a receipt for the prospective buyer for his/her earnest money deposit, describes the terms of sale, and eliminates the need for separate transmittal of a purchase offer.

b. VA Form 26–6705b is used as a credit application to determine the prospective buyer creditworthiness in instances when the prospective buyer seeks VA vendee financing. In such sales, the offer to purchase will not be accepted until the buyer's income and credit history have been verified and a loan analysis has been completed.

c. VA Form 26–6705d is used in the state of Virginia. The form requires the buyer to be informed of the State's law at or prior to closing the transaction.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:*

a. VA Form 26–6705—10,000 hours.

b. VA Form 26–6705b—7,333 hours.

c. VA Form 26–6705d—125 hours.

*Estimated Average Burden per Respondent:*

a. VA Form 26–6705—20 minutes.

b. VA Form 26–6705b—20 minutes.

c. VA Form 26–6705d—5 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Total Respondents:*

a. VA Form 26–6705—30,000.

b. VA Form 26–6705b—22,000.

c. VA Form 26–6705d—1,500.

Dated: January 24, 2014.

By direction of the Secretary:

**Crystal Rennie,**

*Département Clearance Officer, Enterprise Records Service.*

[FR Doc. 2014–01708 Filed 1–28–14; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0675]**

### Proposed Information Collection (Vetbiz Vendor Information Pages Verification Program) Activity: Comment Request

**AGENCY:** Center for Verification and Evaluation (CVE), Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Center for Verification and Evaluation (CVE), 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 on information needed to identify veterans owned businesses.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before March 31, 2014.

**ADDRESSES:** Submit written comments on the collection of information through *www.Regulations.gov;* or Raymond Jackson (00VE), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *raymond.jackson@va.gov*). Please refer

to ''OMB Control No. 2900–0675'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Raymond Jackson at (202) 003–4001 or FAX (202) 632–8358.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, CVE invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of CVE's functions, including whether the information will have practical utility; (2) the accuracy of CVE'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:* Vetbiz Vendor Information Pages Verification Program, VA Form 0877.

*OMB Control Number:* 2900–0675.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* Vetbiz Vendor Information Pages Verification Program is used to assist federal agencies in identifying small businesses owned and controlled by veterans and service-connected disable veterans. The information is necessary to ensure that veteran own businesses are given the opportunity to participate in Federal contracts and receive contract solicitations information automatically. VA will use the data collected to verify small businesses as veteran-owned or service-disabled veteran-owned.

*Affected Public:* Business or other for-profit.

*Estimated Annual Burden:* 10,000 hours.

*Estimated Average Burden per Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 20,000.

Dated: January 23, 2014.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, Department of Veterans Affairs.*

[FR Doc. 2014–01629 Filed 1–28–14; 8:45 am]

BILLING CODE 8320–01–P

# Reader Aids

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at *http://www.gpo.gov/fdsys*. Some laws may not yet be available.

**H.R. 3547/P.L. 113–76**
Consolidated Appropriations Act, 2014 (Jan. 17, 2014; 128 Stat. 5)

**H.R. 3527 / P.L. 113–77**
Poison Center Network Act (Jan. 24, 2014; 128 Stat. 644)

**S. 230 / P.L. 113-78**
To authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes. (Jan. 24, 2014; 128 Stat. 647)

**Last List January 24, 2014**

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